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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MIKE CRAPO, a Senator from the State of Idaho.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, the Reverend John Johnson, First Presbyterian Church, Merrillville, IN.

PRAYER

The guest Chaplain, Rev. John Johnson, offered the following prayer:

God Almighty, Creator of all that is, our Maker, Redeemer and Sustainer, and Lord of this great Nation, we give You thanks for and ask Your blessings upon these men and women whom You have called as Senators to serve You and us, Your people.

We ask that You be with them in that role, inspire them to seek to do not what is popular and easy but what is just and right in Your eyes. May Your Spirit inspire them to do as You would have them do in jobs that ask so much of mere mortals. In all they do, may we be privileged to see their love for truth, justice, compassion, liberty, and peace.

Lord God, we are mindful of the human cost that each bears by being a Senator. Each is first and foremost a child of God, and to be true to You, we offer sincere and honest prayers for the personal well-being of each Senator. Bless each in home and family; help each to know that when pummeled by critics or pressure, by turning to You, all may know the peace, tranquility, and comfort of a loving God.

We pray all this to You whose love is not limited but is for all Your children. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 10, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MIKE CRAPO, a Senator from the State of Idaho, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CRAPO thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The Senator from Indiana is recognized.

WELCOMING REV. JOHN JOHNSON

Mr. LUGAR. Mr. President, I have the privilege of welcoming our guest Chaplain, the Reverend John Johnson. We are indeed fortunate to have Reverend Johnson with us today. He is a true Renaissance man and public servant. He brings to us his vast experience, not only in the ministry, but also in academia, business, law, and volunteerism.

Reverend Johnson has a master's degree in physics. He studied as a Churchill Scholar at Cambridge University in England. He has a Juris Doctor degree from the University of Chicago. And he has had a successful business career, creating a leading technology company.

Not content to stop there, Reverend Johnson earned his Master's of Divin-

ity degree in 1997 and now is ordained as a minister in the Presbyterian Church. Reverend Johnson currently serves as interim minister at the First Presbyterian Church in Merrillville, Indiana.

Amidst these multiple careers he even found time to run for the U.S. House of Representatives in 1990 from Indiana's Fifth District and for the Indiana Republican gubernatorial nomination in 1992.

Reverend Johnson has remained active in the academic community, and he has generously volunteered his time to many organizations including the United Way Campaign, the YMCA, the Indiana Corporation for Science and Technology, and the Public Broadcasting System.

He is a dear personal friend. It is a privilege to thank him for joining us and for his inspiring words of prayer for us this morning.

Mr. BYRD. Mr. President, I join the Senator from Indiana in welcoming to the Senate the Reverend Mr. Johnson. We are grateful for his presence and for his prayer.

Tennyson said that more things are wrought by prayer than this world dreams of. And the Bible tells us that blessed is the Nation whose God is the Lord. Thank God for our forefathers who built this Nation on religious principles, who had faith in a higher power. If Providence had designs for this country and its people, may we never get away from the offering of prayer in the opening of the two bodies of the legislative branch of government.

There are those in this country who would have us do away with that. May there always be men and women in this body and the other body who will stand for prayer, stand up for the Creator.

I haven't seen Him, nor have I seen electricity. But I dare not put my finger in an open socket because I know it is there.

I thank the Senator for having his minister in our midst this morning.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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May God add his blessings to the word that has been spoken for us.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, has the Senator indicated what the leader wants to do today?

The ACTING PRESIDENT pro tempore. The distinguished acting majority leader.

SCHEDULE

Mr. LUGAR. Mr. President, I respond to the distinguished whip by saying that this morning there will be 1 hour and 50 minutes remaining for closing remarks on the budget resolution conference report. Senators can expect a vote on the conference report between 11 a.m. and 11:30 a.m. Following that vote, the Senate will resume consideration of S. 1, the education bill. Votes on amendments are expected throughout the day in an effort to make significant progress on the bill.

I encourage those Senators with filed amendments to work with the chairman and the ranking member in order to schedule consideration of those amendments.

I thank my colleagues for their attention and for their cooperation.

Mr. REID. Mr. President, we had a cutoff time last night of 5 o'clock for filing amendments on the education bill. We have almost 300 amendments that have been filed on S. 1. It is going to take a lot of work, and people are going to have to work this afternoon on that. It is going to take a couple more weeks to finish that legislation. I think everyone who has an amendment should offer it at the earliest possible date.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the conference report to accompany H. Con. Res. 83, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia is now recognized for 30 minutes.

Mr. BYRD. Mr. President, would the Chair kindly inform me when I have used 25 minutes of my time?

The ACTING PRESIDENT pro tempore. The Chair will notify the Senator.

Mr. BYRD. Mr. President, the Senate will soon vote on the conference report for the fiscal year 2002 budget resolution. I will vote against this conference report. This budget is a bad deal for America. It fails to address critical deficiencies in our Nation's schools, our Nation's highways, our Nation's drinking water and sewage systems, our Nation's law enforcement, and energy independence. The list goes on and on like Tennyson's brook—almost forever. Instead of addressing these deficiencies, instead of planning for the future, this is a budget resolution that places short-term, partisan political gratification ahead of the long-term needs of the Nation.

This Nation faces daunting challenges—if you drove in just this morning to work, or yesterday morning, you can see what I am talking about, the daunting challenges that confront this country on the highways—in the next two decades. We will continue increasingly to face those daunting challenges.

The baby boom generation will begin to retire around the year 2008. That is not far away. Because of the demands of that generation, both the Social Security and Medicare trust funds are expected to be running in the red by 2016—15 years from now. Not a single dime—not one thin dime—is devoted to shoring up Social Security, and the resources allotted to Medicare and prescription drugs are totally inadequate.

We know that 75 percent of our Nation's school buildings are inadequate to meet the needs of the Nation's children. But how many dollars are devoted to building and renovating school buildings? How many dollars are devoted to making classrooms smaller? Zero. Zilch. Zip.

The American Society of Civil Engineers, earlier this spring, graded the Nation's infrastructure. How did we do? Abysmally. Roads, D+; aviation, D-; schools, D-; transit, D-; drinking water, D. Overall, in 10 different categories, the Nation's infrastructure received an average grade of D+.

Now my old coal miner dad would have given me a good thrashing if I had brought home a report card with a D on it. I could have depended on that. Well, the dog must have eaten that report card on the way to the White House because this conference report ignores low grades on the Nation's infrastructure.

Now the President—and I have great respect for the President—is fond of saying we ought to give the people their money back. I think we ought to give the people their money's worth. Instead of a massive tax cut today, we ought to look toward tomorrow and repair our outdated infrastructure. Instead of a massive tax cut today, we ought to help provide for safe highways and bridges, airports and transit systems that work, clean air, safe drinking water, safe schools. We ought to plan ahead to ensure that Social Security and Medicare will be available in

the long term. The American people expect us to make smart choices. This conference report is not a smart choice.

What is in this conference report?

It contains a \$1.35 trillion tax cut spread out over the next 11 years, based solely on an illusory surplus estimate that even the Congressional Budget Office considers highly unlikely.

This budget also establishes discretionary spending levels that are totally inadequate and unrealistic. For the next fiscal year, the budget limits spending to a 4.2-percent increase. For nondefense programs, the level provided in the conference report is \$5.5 billion below the level necessary to keep pace with inflation.

Now I am wearing my Appropriations Committee hat today. I am the ranking member on the Senate Appropriations Committee. Let me say to my colleagues, you will be coming to the waterhole—I think of the animals in the forest. Occasionally, they have to go to the waterhole. They can't avoid it. And so the people of this country have to go to the waterhole. The waterhole is the Appropriations Committees of the two Houses. And Senators and House Members who represent the people who elect them and send them here also have to go to that waterhole, the Appropriations Committee. Well, I am wearing my appropriations hat today.

Let me say to my colleagues, if you vote for this budget conference report, don't come to the watering hole. It is not that I would not love to help you, but you are going to make it impossible. Those who vote for this conference report are going to make it impossible for me and for the Appropriations subcommittee ranking members to help you. Hear me: I would love to help you, but you are going to make it impossible when you vote for this conference report, because you are going to cut discretionary spending levels to the point that we cannot help you.

Again, for nondefense programs, the level provided in the conference report is \$5.5 billion below the level necessary to keep pace just with inflation. This level will leave no resources for increases that we all recognize are necessary for education, for infrastructure, for research and development, and for the promotion of our energy independence. We have an energy shortage in this country right now—rolling brownouts. You are going to hear more about them. But what are we doing about it? We are not doing anything positively in this budget conference report. I will tell you what we are doing. We are cutting the moneys for basic research—fossil fuel research—in the budget.

The increases being debated on the floor for elementary and secondary education cannot be fully funded. The resolution provides for an increase of less than \$13 billion above fiscal year 2001 for all nondefense programs. The elementary and secondary education

bill now pending in the Senate assumes over \$10 billion in increases for fiscal year 2002 just for elementary and secondary education programs alone. And all we have is less than \$13 billion.

Members should be under no illusions. The budget conference report is not the budget resolution that passed the Senate 65-35 last month. Several of our Democratic colleagues voted for that, and a great majority on the other side did so, too. But you are not voting today for that concurrent resolution on the budget that you voted for a couple of weeks ago on this Senate floor. For fiscal year 2002 alone, the conference report you will be voting for today is \$27 billion below the resolution that passed the Senate a few days ago—\$10 billion lower for defense and \$17 billion lower for nondefense.

Now the President has called this a "people's budget." Imagine that. The President called this a "people's budget." I would almost laugh out loud if it weren't so serious. Imagine that—the President calling this a "people's budget." Well, that may be true if your definition of "the people" is limited to those lucky individuals who earn six-figure salaries. If you limit "the people" in your State to those who are spending their mornings sipping Starbucks coffee and perusing the Wall Street Journal to check on the status of their stocks and bonds, then you are talking about the people.

It may be a people's budget if the people are limited to those lucky souls who spend their winters in the Bahamas and their summers on a Caribbean cruise. But this is not a people's budget for the coal miners, not for the locomotive engineers, not for the brakemen on the railroads, not for the cleaning ladies, not for the schoolteachers. It is not a people's budget for the folks flipping hamburgers for minimum wage. Ask them. They are the people, too, and they have been left out, o-u-t, and left behind in this whale of a deal for the well-to-do.

President Bush, the President of all the people of the Nation, says:

It's a good budget for the working people of America.

He said it. I didn't say that. That may be true if your definition of "working" means calling your broker on your cell phone to tell him to put another million on titanium futures. That may be true if your definition of "working people" is the folks who hop in their Learjets to check out their business interests on three continents.

In my State of West Virginia, we know who the working people are. The working people are the people who earn their living by the sweat of their brow. They are the people who get up early and stay up late trying to make ends meet. They are the working people. They are the people who get their hands dirty while trying to feed their families. Those are the working people.

Working people are the teachers struggling on low pay in a hot classroom while trying to impart some wisdom to our Nation's children.

The working people are the cops on the beat who risk their lives daily and nightly, who try to keep some order in these mean and dangerous streets and alleys.

Working people are the coal miners who end up crippled, who end up sick after long, long years of digging coal from the rugged Earth to produce the electricity for this Senate Chamber, and to produce the electricity for this Nation. They are the people who get their hands dirty. They are the people who wash the grime, the coal dust out of their eyelashes, out of the wrinkles in their faces, grown old too early. They are the working people.

Mr. President, they are the working people, the coal miners, the welders in the shipyard, the produce salesmen in the country, the farmers who toil in the hot Sun of the June and July and August days. They are the working people, Mr. President. They are not the people Mr. Bush is talking about.

The President lauds this budget. He says it contains "reasonable levels of spending." That may be true if you think that costing the American driving public nearly \$6 billion a year because one-third of this Nation's roads are in poor condition, is "reasonable."

Why don't we fix America's roads? If you think highway congestion is bad now, what will it be 5 years from now? Those of you who spent an hour and 10 minutes yesterday morning to drive ten miles to work in this Capitol, if you think congestion is bad now, think of what congestion will be 5 years from now. What will it be 10 years from now?

The President calls the spending levels in this budget "reasonable." In this Nation, we have so many unsafe or obsolete bridges that it will cost \$10.6 billion every year for the next 20 years to fix them.

We have 54,000 drinking water systems which will cost \$11 billion to make them comply with Federal water regulations.

We have more than 2,100 unsafe dams in this country. Do we recall Buffalo Creek Dam in southern West Virginia? It broke several years ago. Scores of lives were lost. And there are 2,100 unsafe dams in this country today which could cause loss of life.

We have energy delivery systems which rely on old technology.

We have outdated and crumbling schools which will require \$3,800 per student to modernize.

This budget provides little or no money to address any of these needs. It allows for current services adjusted for inflation for all discretionary programs, including defense. Do you know what that means? But for nondefense programs, the conference report is \$5.5 billion below the amount necessary to keep pace with inflation. It means this Nation is essentially frozen in its ability to address backlogs or to anticipate needs.

The backlogs are worsening, and the needs are going unaddressed because the funding levels endorsed by this White House are far too low.

Anyone who calls these levels "reasonable" needs a reality check. Take off the rose-colored glasses, Mr. President; take them off, and once the warm cheery glow of tax cut fever has subsided, we will still have a nation that is very steadily sliding backwards.

This huge tax cut will savage our nation's real and growing needs; it will siphon energy away from the engine that makes this economy run; it will benefit the jet set, but leave the rest of America's riding on rusty rails. There is nothing "reasonable" about such a policy.

I am also very concerned that this conference report does nothing to address the growth of mandatory spending. The President claims that he wants to restrain the size of Government, but his budget focuses only on limiting the part of the budget that is subject to the annual appropriations process. That is only one-third of the budget, and growing smaller by the day. The rest of the budget is on auto pilot.

I assure Senators that discretionary spending will not be the cause of any future deficits. It we return to deficits—and we very well could—it will be because of the massive tax cuts contained in this conference report and the growth of mandatory programs. Discretionary spending is currently only 6.3 percent of the gross domestic product, less than half of what it was in 1967. Under the Budget resolution, it would fall to 5 percent by 2011. Mandatory spending is currently 9.7 percent of GDP, more than double the level in 1966 and under the Budget conference report, mandatory spending will grow to 11 percent of GDP in 2011.

Not only does this resolution not constrain mandatory spending, it includes seven new reserves that empower the House and Senate Budget Committee chairmen to increase spending for mandatory programs.

I have a great deal of faith in our budget chairman, Mr. DOMENICI, and I have seen all the budget chairmen we have had in the Senate since the Budget Act became law, but I do not care if it is a Republican or Democrat chairman, I do not support giving that kind of power to any budget chairman, Democrat or Republican. I would not want it myself if I were a chairman.

I am very concerned that these powers which are being given to the Budget Committee chairmen will be used in a partisan way.

This budget resolution was produced in negotiations between White House officials and the Republican leadership.

There was no involvement—none—of the Democratic Leadership or the ranking members of the House and Senate Budget Committees. To add insult to injury, this Budget Resolution would empower the Budget Committee chairmen to allocate funding to mandatory programs with no assurances that the minority will be consulted. This is just one more example of the one-sided nature of this Budget Resolution. But as Milton said in Paradise

Lost “who overcomes by force has overcome but half his foe.” There is no balance in this budget. It is tipped too far to the tax cut side. As a see-saw, it lifts some people up with generous tax givebacks, but it leaves this nation’s needs sitting firmly on the ground.

It is a “for show” budget designed to please a select group, and it was gussied up and trotted out by one party from behind locked doors.

Since January’s inauguration, we have heard plenty of lip service being paid to bipartisanship. Lip service. We have all heard the mantra that the tone of Washington is being changed. You better believe—it is not being changed. We have seen the photo-ops of Democrats being courted at the White House. All 535 Members of the House and Senate were invited to the White House a few days ago. All 535 Members. What a sham. That was to be a photo op. Nothing more, nothing less. What a sham. What hypocrisy. This budget deal was crafted without input from the Democratic Leaders, or the Ranking Members of the House and Senate Budget Committees. When it was time for the rubber to meet the road, bipartisanship had a flat tire. Bipartisanship never was able to wiggle under the cracks in that door. Some Democrats may be willing to vote for this budget—they may be willing to sit at the President’s table for this tax-cut feast. But, make no mistake, they were not in the kitchen when the meal was being cooked. They did not get to decide what went in the stew and what stayed out.

The President, in his remarks congratulated the Republican Budget Committee chairmen of the House and the Senate. He congratulated the Republican Leaders of the Senate and the House. He lauds a few Democrats, but there is no mention in his remarks of the Democratic Leaders or the Ranking Members of the House and Senate Budget Committees. They were not privy to the budget pseudo-conference. There was no room for them at the inn. That is no accident. The plain unvarnished truth is that there has been barely a pinch of bipartisanship in the cooking of this final budget omelet, and the result certainly shows in the one-sided way the budget eggs were scrambled.

There simply is not enough money to adequately fund the 13 appropriations bills, get that—there is not enough money to adequately fund the 13 appropriation bills, and so, once again, appropriators will have to scrimp and parse and cannibalize in order to do our work.

For those Senators who vote for this budget deal, I say go ahead and write your press releases. Pat yourselves on the back. Tell your constituents how you voted to cut taxes. That is an easy vote. But don’t forget to tell your constituents about the other side of that coin. Be sure and include that in your press release. Don’t forget to tell your constituents that you voted to short-

change our schools, roads, and water systems; don’t forget to include in your press release, that you voted for lower funding for health care and energy research; and be sure to include in your press releases that you turned a blind eye to the looming crises facing Social Security and Medicare. In 1981, we took what Majority Leader Howard Baker called a riverboat gamble with President Reagan’s tax cut and we ended up with triple digit deficits for fifteen years. Now the Republican Leadership has forced upon us another bad deal. A deal that will reduce revenues, according to the Joint Tax Committee, by nearly \$300 billion per year in 2011 and beyond at just the moment that the baby boom generation begins to retire.

This conference report makes a mockery of the Budget Act because it undermines the purpose of the act. The Budget Act was intended to impose predictability and discipline. But the continual manipulation of the Budget Act to achieve political goals has made it a sham and a shame. Gimmicks and bad policy are the result—gimmicks and bad policy. The demands of a great nation have to be satisfied in spite of fantasy world budgets. The result will probably be that at the end of the process, yet another Budget Resolution will have been ignored because it had to be. It was never grounded in reality. In spite of the President’s claims that he would change things in Washington, he has already succumbed to the same old partisan polo game, and the same old swap shop budget bingo we have seen for years. This conference report ought to be defeated.

Mr. President, Senators who vote for this budget conference report, call your mother in advance of Mother’s Day. If she is one of the baby boom generations, tell her you voted for this tax cut for the bigwigs. Tell her: “Yes, mother, I voted for the Bush tax cut.” But as to Social Security? There wasn’t a dime in the bill for Social Security. Forget it.

I close by this compliment from Milton from “Paradise Lost,” and I offer it to our budget ranking member, KENT CONRAD.

Well hast thou fought the better fight, whose single hast maintained against revolted multitudes the cause of truth.

The PRESIDING OFFICER (Mr. ENSIGN). Who yields time?

Mr. CONRAD. Mr. President, I yield 10 minutes to the Senator from South Carolina, the very distinguished senior member of the Senate Budget Committee.

Mr. HOLLINGS. Mr. President, the distinguished Senator from West Virginia said: Tell your mother on Mother’s Day that you increased taxes. If you turn to page 4 of the conference report, you will find that the debt goes up from \$5.6 trillion to \$6.7 trillion—\$1.1 trillion.

As we left the last fiscal year, we ended with a \$23 billion deficit, which we had reduced, over the 8 years, from \$403 billion, and now this very minute

we are running a slight surplus. But when you vote for this particular measure, and this is our main reason for appearing here this morning, it is to remind everybody that this is Reaganomics II. It is happening here today.

Let me speak advisedly. As the distinguished Senator from West Virginia reminded us, I have been on the Budget Committee since its institution 25 years ago. I have been the chairman. I hasten to comment that our distinguished ranking member, the Senator from North Dakota, has done an outstanding job under the most difficult of circumstances.

Let me tell you about the difficult circumstances, because the very reason for our budget process 25 years ago was to give all the Members a look-see at every facet of Government spending here in Washington. Prior to that time, we had 13 appropriations bills, we had 13 authorizing bills, and the authorizers authorized without regard to appropriating and the appropriators appropriated without regard to the authorization and the one—namely, defense—didn’t know what education was doing, or housing didn’t know what the highways were doing.

So we got together in a comprehensive look-see, where the President would submit his budget, we would go before the Budget Committee, and in detail, each one of the particular appropriations measures would be debated, marked up, reported out, and then come to the floor of the Senate.

Here we passed this budget without having the President’s budget. He didn’t give it until it had passed the House, until it had passed the Senate—absolutely ridiculous. Why? Because he couldn’t sell his tax cut. He knew the great reason for the prosperity and comeback of our Democratic Party is that we showed we were fiscally responsible. For 8 years we gave us the greatest prosperity. But it is a sophomore approach, this “tax cuts, tax cuts, the Government is too big, the money belongs to you” and all that nonsense—and not paying the bills. So the President went to 28-some States. You can’t sell a tax cut? He couldn’t sell beer on a troop train, I can tell you that right now.

He went everywhere, and he didn’t sell his tax cut, so he rammed it, and the leadership on the other side of the aisle went along with it, and the media didn’t report it. That is another reason I appear here, because this instrument is an atrocity, a clear, absolute abuse of the process.

We had a deliberate debate back when President Clinton came to office to find in what direction the country was going to head. Lyndon Johnson used to say: It is not whether I am conservative or whether I am liberal, it is whether I am headed in the right direction.

We debated. The President submitted his budget. We had 30 amendments before that Budget Committee. We reported it out, and the last instrument—namely, reconciliation—was not

passed until August. We had a real old hoedown, and we said we were going to cut the size of Government. Yes, we were going to cut spending. And, yes, we were going to increase taxes.

When we increased Social Security taxes, the distinguished Senator from Texas said: They are going to hunt you Democrats down like dogs in the street and shoot you.

Where is the Republican tax cut for Social Security? Instead, they are going to spend the Social Security trust fund. If you don't think so, come on up and I will give you a bet.

Congressman Kasich, chairman of the House Budget Committee, said: If this thing works, I'll change parties.

Senator Packwood, Chairman of the Senate Finance Committee, said: If this thing works, I'll give you my house in downtown Washington.

But it worked. We made a great comeback paying down the debt. Now some strayers want to go along with this "Cut taxes, cut taxes," and buying the people's vote, when in essence the debt increases. It goes up.

We had no debate. We had no markup. We had no report. We passed it without all that. Then we got to the conference to be told we were not going to be conferees. Oh, they invite you to the White House when you cannot vote, you just stand up and grin and smile and bow. But when you got a vote in the conference committee, they said no, you are not invited back because you're not going to vote with us.

Thank God we weren't parliamentarians. He wouldn't agree. They fired him. They would like to fire us. That is why they said we will give you all the rhetoric about education, because you look at the report after it comes out: Zero increase for education. What does that mean to us in the game? It means you are going to have to get a majority of 60 votes in order to get your increase, whether it is for class size or whether it is for construction or whether it is for teacher counseling or any of these other things that we need in public education—namely, teachers' pay. No, you are not going to get it.

All of this exercise has been the best off-Broadway show, as they see it, because they are just smiling to themselves: We are going to destroy this Government and we are just as much against education as we were for that 20-year crusade to abolish the Education Department.

What happens on the so-called immediate rebate to get the economy going? By 94 votes to 6, every Republican voted for my \$85 billion rebate plan. But instead of the instant rebate of \$85 billion, they came in here with \$100 billion over 2 years, and they are going to go to the Finance Committee—you can read the reconciliation instructions, and they translate: We are going to use the stimulus dollars for tax cuts.

The main thing to be said this morning in the few minutes given me is that we have tried our best under Senator CONRAD's leadership. We have called

their hand at every turn. We have been very courteous, very tactful in trying to get the report. We know the distinguished chairman of the Budget Committee has to practically do what the Senator from Texas tells him. And the Senator from Texas is tied into the Office of Management and Budget. And the Office of Management and Budget tells the President what he wants. So you want to get on the record how it is being worked this year: It is a total abuse, an absolute atrocity. There is no question about it. Everybody seems to go along. And the headline will say: We passed the budget. No. We don't even have a defense figure.

We don't have a budget. We have a tax cut. That is what the President wanted. That is what they had back with Reaganomics I: \$750 billion. Now this is going to go up to about \$1.6 trillion. If you analyze it carefully, it will probably be nearer to \$2.6 trillion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLINGS. I thank the distinguished Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, I thank the very outstanding Senator, who is a member of the Senate Budget Committee, Mr. HOLLINGS from South Carolina, for his remarks this morning.

As I understand it, Senator BREAUX wants time off of Senator DOMENICI's allocated time. The staff director for Senator DOMENICI tells me that is acceptable to their side.

We had lined up Senator CLINTON to go next on our side. I don't know if Senator BREAUX would like to go at this point.

I would like to recognize Senator CLINTON.

Mr. BREAUX. Absolutely.

Mr. CONRAD. How much time would the Senator like?

Mrs. CLINTON. Oh, 6 minutes.

Mr. CONRAD. I yield 6 minutes to the Senator from New York, an outstanding member of the Senate Budget Committee, who has made a real contribution to the work on our side of the aisle on the Senate Budget Committee.

The PRESIDING OFFICER. The Senator from New York is recognized for 6 minutes.

Mrs. CLINTON. Mr. President, I thank my ranking member, the Senator from North Dakota, who, as my good friend from South Carolina has put so well, has led with honesty and directness, and believes so passionately in the issues that we are addressing today.

I rise because I cannot remain silent in the face of both a budget process and a budget product that I think will be so harmful to our country. I really wish I did not have to rise today. I wish, given the opportunities that lie before us as a nation, what we were debating was the kind of balanced approach to the budget that I could wholeheartedly support—a balanced approach that included an affordable, reasonable tax

cut, that fairly went to all Americans, giving every one of our families a Mother's Day present, as Senator BYRD so wonderfully reminded us is around the corner.

I wish this budget were filled with the kind of careful analysis about the investments that we need to make our country rich and smarter and stronger in the years ahead. And I wish this budget continued to pay down the debt in the way that we had been doing.

In the last 3 years, we paid off more than \$600 billion of our debt. We took it off the backs of all these schoolchildren who are watching us. We said: We are not going to pass on the debts of your parents. Your grandparents, the greatest generation, did not leave us in debt the way that this country did in the 1980s with the quadrupling of our national debt. I cannot stand here and say that.

I look at all these faces. I meet with schoolchildren from throughout New York nearly every day. I wish I could say: I am going to go to the Senate Chamber and support a budget that will invest in education the way we need it, that will continue to pay down the debt so that you are not faced with that debt when you are my age, or even younger, and that it will invest in Social Security and Medicare so that you do not have to worry about your parents, your grandparents, or yourselves. Unfortunately, I cannot say that.

I have thought hard about what it is that has happened in the Senate in the last several months because I sat through 16 hearings in the Budget Committee. They were informative, very helpful hearings, laying out the priorities of our Nation, talking about the amount of money we had that we could count on, not pie in the sky, not projections that were unlikely ever to come true but realistically what it was we, as a nation, could count on. And then how could we have a tax cut, pay down the debt, and invest in education, health care, the environment, as well as taking care of Social Security and Medicare?

I do not exactly know what happened, how we arrived at this point. We had those hearings, and then we were shut out of the process. We did not have a markup, which is a device in a committee to get everybody together to try to hammer out a bill.

Then the Democrats, with decades of experience—with distinguished Senators such as Senator HOLLINGS and Senator CONRAD—were shut out of the process between the House and the Senate.

So here we are today on the brink of passing a tax cut that will, I believe, do to our country what was done in the 1980s. I can only think that this is a tax cut proposal that was born in the passion of a primary political campaign, in the snows of New Hampshire, when the President was running for his life to be President and had to come up with something, so he plucked out of the air \$1.6 trillion and said that was

what it was going to be and felt compelled to come and present it to us.

I was proud of the Senate when, in the process of the budget debate, we made some good changes. We made those changes not only on the tax cut side but on the investment side. I thought: If the House can go along with that, maybe at the end of the process we can have a better balance. I did not think it went far enough, but I was proud of the fact that we had a negotiation.

What we have today has zero increases in education. We have spent a heck of a long time talking about education. The President says it is his first priority. I can only look at the documents I am handed. I have only been handed them recently. I was not part of the process, even though I serve on the Budget Committee. And it looks to me as if we are turning our back on education.

As I thought back, I could not think of any analogy. I could not think of any guidance that would help illuminate what it is we are going through. So I went back and looked at 1981. I read about what happened when another President said: Pass this big tax cut, and we are going to have surpluses. And we went further and further in debt.

It is always easier to pass a tax cut. Who doesn't want a tax cut? I want a tax cut. But I don't want to have a tax cut at the expense of hurting my country. I don't want a tax cut at the expense of preventing the kind of investment in education that we need. I don't want a tax cut where I have to go and tell my mother that Medicare may not be viable for the rest of her natural life. I don't want that kind of tax cut.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. Mr. President, I give an additional minute to the Senator from New York.

Mrs. CLINTON. So I, with great regret, stand in this Chamber and express the disappointment I feel in that we had an opportunity to do what our country needs—to invest in education, health care, the environment, pay down our debt, and provide affordable tax cuts—but, instead, we are taking a U-turn back to the 1980s. Mark my words, we will be back here—maybe under the same President, or maybe under a different President—having to fix the fiscal situation we are throwing our country into today. I lived through that once. I do not look forward to it. But I will be a responsible Member of this body in trying to fix the problem that we are causing for our Nation because of this tax cut and budget.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. The Senator from Louisiana is recognized for 10 minutes off Senator DOMENICI's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I thank the ranking Democrat on the Budget Committee for his consideration in allowing me to have the time that I need to make comments on this budget. I also thank Senator DOMENICI for being willing to yield me some time.

Let me start, first, by commending Senator CONRAD for the work that he has done, under some very difficult circumstances, with regard to putting together this product. It has not been easy. It has been very difficult. It has been very emotional—with a great deal of pressure on both sides to try to come up with something that makes sense and that is a rational guideline for how we handle the affairs of this country over the next 2 years.

I also commend the Democratic leader, Senator TOM DASCHLE, as well as the Republican leader, Senator LOTT, because I know that within their own caucuses there are vast differences as to how we should approach the passage of the budget for this coming year. It has not been an easy job for either of the budget leaders—Senator CONRAD and Senator DOMENICI—or for our two respective leaders. I think they have both done about as good a job as anyone could ever ask for them to do considering the circumstances.

Mr. President, and my colleagues, I will make the point that governing in a democracy is about the art of the possible; it is not about the art of the perfect. Is this budget a perfect document? Of course not. But does it advance the cause of governing in a democracy that is almost evenly divided among the two parties?

The answer is, yes, it does. Republicans, as we need to remind ourselves, control the House with the narrowest of margins in years. The President was elected after losing the popular vote and narrowly winning the electoral college vote. Our Senate, indeed, is the perfect tie, 50/50.

Now is not the time, with these circumstances, to figure out how we can disagree. There are plenty of opportunities to find where we disagree with this document, but now is not the time to concentrate on how we disagree but, rather, now is the time to figure out how we can reach an agreement for the good of all the people whom we represent.

It is very clear that we could have 535 budgets and each author would think theirs is the best one. But we can only have one.

The two principal parts of this budget consist of how we handle revenues or taxes and how we go about spending what is left, a challenge every American family must make for themselves when they work out their family budgets. We are fortunate today to have what CBO tells us is a projected surplus of \$5.6 trillion over the next 10 years. That \$5.6 trillion is more than is necessary to run all of our Government functions at the current level.

Most Members, but not all Members, would say it is appropriate to give a

portion of that surplus back to the citizens who created that surplus when they paid their taxes. The question then before this body is, How much do we give back?

President Bush said: Give back \$1.6 trillion over the next 10 years. Vice President Al Gore, as a candidate, suggested a tax cut of \$500 billion. This budget consists of a \$1.25 trillion tax cut over the next 10 years, plus a \$100 billion stimulus package in the first 2 years. Some would think that is too high; others argue that it is far too low and not enough.

It is, in fact, sufficient to give money back to all Americans with a balanced and a fair tax cut.

We can, within this budget, reduce all marginal rates. We can, within this budget, create a new 10-percent bracket for lower income Americans, which would also benefit all income Americans. We can, within this budget, reduce the estate tax to a level that almost eliminates everyone from paying it. We can, within this budget, fix the alternative minimum tax problem. And we can, within this budget, increase the child credit that families take. We can make it refundable, and we can make it retroactive within this budget. And we can help education within the tax structure of this budget by making tuition taxes deductible for all American families. We can, within this budget's tax structure, fix the marriage penalty.

With regard to spending contained in this budget, it is important for us to put the figures in proper perspective. Last year our Democratic President, President Clinton, proposed a budget for discretionary spending calling for \$614 billion. The House and Senate Republicans and the budget, indeed, ended up saying we were going to spend \$596 billion for discretionary spending. We ended up spending \$635 billion.

We did that because of emergencies that occurred during the year. We did that because of new spending priorities that were brought to our attention during the year that were unforeseen at the time of the budget enactment. This Congress responded to those needs as they occurred. This Congress will respond to those needs as they occur in the upcoming months of this fiscal year.

This budget provides \$661 billion in discretionary spending. That is without any emergency money being designated. It is not designated because it is clear that this Congress will add that emergency money as the emergencies occur. If there is a hurricane, if there is an agricultural emergency, if there is an earthquake, if there are any other kinds of emergencies, it is clear, from the history of this body, that this Congress will address those needs because they are true emergencies.

That \$661 billion is a \$26 billion increase over last year. That is a \$47 billion increase more than President Clinton asked for last year when he submitted his budget to the Congress.

I know some of my colleagues will argue that it is not enough, that we don't have enough money, for instance, for education in this budget. My reading on education is that there will be a lot more money than last year for education, a lot more. President Bush has offered a \$4.6 billion increase for the Department of Education over last year's \$18.3 billion in spending. That is larger than the \$3.6 billion President Clinton won for this fiscal year.

As Senator KENNEDY, who is the master of putting together good policy deals, has said:

We have exceeded the budget every year in education appropriations, and we are going to do it again.

That is a correct assessment of what we are going to do and have done in the past, when it comes to meeting the educational needs of the people of this country. We will provide sufficient funds to educate our children.

It is important to bear in mind that most of the money for education comes from the local and State levels. In fact, 94 percent, on average, of the money on education doesn't come from Washington; it comes from the States; it comes from the local communities that fund the educational programs they determine are their priorities. On average, only 6 percent of the total education budget comes from Washington, DC. The money will be adequate to address the demands.

My recommendation is that we pass this imperfect document to allow the Finance Committee and the Appropriations Committee to begin their work. This document is important as an outline of our priorities, but it is written on paper. It is not written in concrete. It can and will be modified as we have done so every single year as we move through the legislative process.

This is a time of great emotion. It is a time of great pressure. Our leaders, TOM DASCHLE and KENT CONRAD on the Budget Committee and also Senator DOMENICI and Senator LOTT, have had a very difficult job trying to reach an agreement in truly a divided Government. I respect all of them for their sincerity and their honesty and their dedication to try to reach an agreement that everyone can support.

It is, however, time for us to move ahead. There is other work to be done. Now is the time to begin that work by adopting this budget and moving on to the next step.

I yield the floor.

Mr. DOMENICI. Mr. President, I thank Senator BREAUX for his assessment of where things are. I think he included in his remarks that there is still a contingency fund of \$500 billion. For those who think we ought to do other things and that we have to, that is still in this budget. I think what Senator BREAUX said about the appropriated account is right on the money. We don't know where the appropriators are going to put the money, no matter what we say in this Chamber.

But there is a \$31 billion increase year over year, and \$6.2 billion more

than the President asked for, if you really are talking apples and apples and the money to be spent by the appropriators. I think Senator BREAUX summarized that just about right. I thank him for his support.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thought the distinguished Senator, my ranking member, was going to yield to somebody on his side before he and I used our final time.

Mr. CONRAD. I thank the Senator. The Senator from Minnesota requested time. I yield 5 minutes to Senator DAYTON.

Let me alert Senators on our side that I now have, other than the wrap-up reserved for Senator DOMENICI and myself, only have 2 minutes. I alert colleagues to the circumstance that exists.

I yield to the Senator from Minnesota, Mr. DAYTON, for 5 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the distinguished Senator from North Dakota for granting me this time, and also for his outstanding leadership on this issue on behalf of our Democratic caucus.

I rise to say that I intend to vote against this budget today because I believe it allocates too much to the richest Americans and too little to our schoolchildren, senior citizens, veterans, and most of our other citizens. It also wrongly provides a blank check for additional military spending without congressional review or approval.

This budget purports to be a bipartisan creation. In fact, I am told that the Democratic Senators on the Senate-House conference committee were completely excluded from the deliberations and decisions about this budget agreement. As a result, a bipartisan Senate amendment to increase funding for elementary and secondary education was eliminated. The amendment of my colleague, Senator WELLSTONE, which increased funding for veterans' programs, was eliminated. Funds for farm aid, prescription drug coverage, Head Start, health care, child care, transportation, and other important government services were reduced. Except for military spending, all other federal government discretionary services were cut by 2 percent below their inflation-adjusted baselines.

Why? Why, despite huge projected budget surpluses, must the funds for these essential public services be denied? For a tax cut which favors the rich, rather than working, middle-income Americans.

There is enough surplus projected to provide immediate tax cuts and rate reductions for all American taxpayers, so long as they are targeted to the first tax brackets. Unfortunately, this budget places greed ahead of need. People who already have the most get even

more, while people who have the least receive even less.

There is no compassion in this budget. There is no bipartisanship in this budget. There is no new education funding to "leave no child behind" in this budget. Its pretenses are a sham. Its promises are a scam.

Furthermore, this budget expressly does not protect either the Social Security or the Medicare Trust Funds from being raided for other spending programs. Instead, it sets up an all-purpose contingency fund, which pretends to cover every imagined funding need. First, however, it must fund a literal blank check for whatever additional military spending the Secretary of Defense shall recommend to the chairmen of the Senate and House Budget Committees. In an unprecedented procedure, with no further congressional review or approval, these two men alone can add whatever amounts of additional spending are proposed by the Secretary of Defense. Thus, this budget provides blank checks for the military, big checks for the rich, and bounced checks due to "insufficient funds" for all other Americans.

I support, and will vote for, a large tax cut benefiting all Minnesota taxpayers. I also support, and will fight for, additional federal funds for special education, for student aid, for prescription drug coverage, for farm price supports, for veterans' health care, for flood victims, and for other important government services. I believe in a balanced budget. I believe we have enough resources available to us to improve the quality of life for our citizens and to reduce taxes. I believe this budget squanders that opportunity. That is why I am voting against it.

I yield the floor.

Mr. CONRAD. Mr. President, how much time remains?

The PRESIDING OFFICER. Eighteen minutes.

Mr. CONRAD. Mr. President, I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I thank my colleague from North Dakota.

I think this budget proposal on the part of my Republican colleagues should be called "leave no dollars behind" when it comes to Robin-Hood-in-reverse tax cuts with over 40 percent of the benefits going to the top 1 percent of the population. That is what we have.

I had an amendment to provide \$17 billion for veterans' health care over the next 10 years, filling in the gaps to make sure we would do well and say thanks to our veterans—eliminated.

I joined with Senator HARKIN to provide \$250 billion for education, after-school programs, and title I kids with special needs—you name it. It was eliminated from the budget proposal.

This is about the most hard-hitting thing I can say, because I really believe

in the chair of this committee, a Senator for whom I have tremendous respect. He is a great Senator. But I am in profound disagreement with his proposal.

I have been following the discussion about education. I hope my colleagues on the Democratic side will have the courage to challenge this education bill on the floor, which will not have the resources.

Senators, if you love children, then you don't rob them. If you love this little boy or girl, then you don't take their childhood away. If you love these children, you help them for 10 years from now, or 7 or 8 years from now. You must be willing to step up to the plate and make sure you invest some money so these kids will all have the best opportunity to learn. That means that they are kindergarten ready. That means you help the kids who come from low-income backgrounds. That means, just as Senators' children when they go to school, and our grandchildren, they have the best teachers and the schools and the technology and all of the facilities. This is no way to love children. That is to say, do not rob them by not making the investment in children in Minnesota and around the country and instead giving 40 percent-plus of the benefits to the top 1 percent of the population.

These are distorted priorities. There is going to be a pittance for children and education, a pittance for health care, and not anywhere near enough for affordable prescription drug costs for the elderly.

Whatever happened to that campaign promise?

I resist this budget. I will vote against this budget.

I am going to have a lot of amendments on this education bill that are going to make people step up to the plate, and we will see who is willing to talk about the resources for children and education.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twenty-nine minutes.

Mr. DOMENICI. I understand Senator FRIST is going to come down and wants to use a little time. Would you please instruct me when I am down to 15 minutes remaining. I hope not to use that.

I first want to say to the distinguished new Senator, Mr. DAYTON, that I listened carefully to his remarks. Everyone is entitled to their opinion. But we have not given a carte blanche to the Defense Department of the United States.

We were confronted with a very interesting situation. One, the President asked for a low number for defense, with the assumption in this budget that his task force, headed by the Secretary, his top-to-bottom review, could not come up with the answers of what we needed by way of change by the

time we were doing this work. What would one do? Would one shut all of that out and say whatever it is when that task force is finished, they can wait until next year?

We allocated to the appropriators the amount of money the President asked for in defense—a low number. Then we said if and when the task force is finished—and we are still in this year—whatever the task force recommends in changes we will put in the defense pot allocated in this budget. But it would have to be appropriated by the Congress of the United States item by item, line by line, and system by system. You might say that is an open door for defense with no controls.

You said subject to no congressional controls. I don't believe that is the case. What I just described is true. And is that without congressional concurrence? I think not.

I don't know any other way we could have done it. We could have said we will produce a new budget with a new defense number and debated that thoroughly and then came back, and we would have had the year behind us before we could have done anything. Guess what. They would come along and appropriate for defense and say: Too late. It has taken too long. We are putting it in, in excess of the budget.

We are trying to have a little common sense on defense.

In my closing remarks, I will allude to some other aspects, but a lot has been said about spending. Is there enough in this budget for the appropriators to spend?

Let me suggest it is pretty clear that there are many who would accept a much higher number. But I want to tell you the numbers as they are.

It is \$31.3 billion above the 2001 budget available to be appropriated. Take out all of the things that are not spending and just do apples and apples. It is \$31.3 billion.

Of that number, \$6.2 billion is new money over and above the President's budget. That means you have what the President recommended, plus \$6.2 billion more, which gives you \$31.3 billion over last year to spend. This \$661.3 billion, which is the number, is real money. It will be sent to the appropriators to be spent. With that figure, we assume—and that is all we can do—that \$44.5 billion of it will go to the Department of Education for the year 2002. We assume—and that is all we can do—that there will be an 11.5-percent increase. This is new money. Nobody can say that 11.5 percent isn't well above inflation. What kind of money are we talking about in the 4.6? The highest ever level of funding for education of disabled children, a \$460 billion increase in title I, including a 78-percent increase in assistance to low-performing schools; a \$1 billion increase in Pell grants; \$1 billion for new reading programs; \$320 billion to ensure accountability with State assessments. We can go on. There is \$472 million to encourage schoolchildren, some kind of

innovative choice that we might pass; \$6.3 billion to serve 916,000 Head Start children.

I guess it is easy to stand up and say there is nothing in this budget for education. I just read it to you. Actually, the appropriators will probably do more because we gave them more to spend, and they have always favored more money for education. So, frankly, whatever we have heard rhetorically on the floor about education, we have done better by education than we have in modern times. This is the highest, most dedicated budget for education that we have ever produced.

I note the presence of the Senator from Tennessee. Would the Senator like to speak to the matter before us?

Mr. FRIST. For 4 or 5 minutes.

Mr. DOMENICI. How much time do I have?

The PRESIDING OFFICER. The Senator has 23 minutes.

Mr. DOMENICI. The Senator wants 5 minutes. And then Senator NICKLES wants 5 minutes. I yield to them in that order.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. FRIST. Mr. President, I rise because I think in 30 minutes or so we will be voting on the conference report. I want to give my colleagues my strongly felt support for what we have arrived at today. I believe it does, in a very consistent way, represent what at least I hear as I travel around the country, and through the State of Tennessee, from every day people who are looking at their lives, the qualities of life, looking at Washington, DC, and Government and what it can be both for them and against them, and they tell you simple things. Those things are: We do have a debt today, which one generation has given another. Please address that debt.

They say we have some important things to pay for, and that is the role of Government. That includes things such as Medicare, research in health care, education, defense of the country. And they say: After you pay down that debt—and in this conference report we pay down that debt from \$2.4 trillion from where it is, and they say: Thank you, that is what we want.

They say: What about teacher quality? We have \$2.6 billion in the budget for teachers and we know, when we look at that teacher-pupil interaction in the classroom, that this is important. In higher education for Pell grants, they say: After graduating from high school, let's give people that opportunity to have, in essence, a pool of resources to take wherever they choose to go, and that is Pell grants—and indeed it is in this bill—for disadvantaged students; we assume \$9.8 billion for Pell grants. They say: In health care, make sure you address this issue of prescription drugs. Very specifically in this budget \$300 million is provided for expansion of Medicare prescription drug benefits. The exact

mix, the exact bill, the exact nature—yes, couple it with modernization but do it in a way that we can see it soon. They say think about the future.

In this bill we think about the future in the field of health research. The resolution includes the President's \$2.8 billion increase in the National Institutes of Health. It goes through the defense spending, agriculture, attention to the veterans. Then they say: After addressing the debt, after protecting the Social Security trust fund, after protecting that Medicare trust fund, both of which give security to our seniors today, let us keep, instead of sending to Washington, DC, a little bit more of our hard-earned money.

Indeed, we do that. All of this is our money, say the people throughout Tennessee, not yours because you represent the Federal Government. So if after we invest in those priorities of health care, education, quality of life, agriculture, defense, and the veterans—after we make that commitment to substantially pay down that debt, allow us to keep the dollars with us. Trust us, the American people, to spend, to save, to invest.

"Trust us," the people across Tennessee tell me. We do that by allowing the taxpayer to keep \$1.35 trillion over the next 11 years in their pockets, instead of on April 15 sending it to Washington, DC, when it is not needed.

In addition to that \$1.35 trillion that we allow taxpayers to keep is the \$100 billion stimulus, which answers the question of: What are you doing today to restore that hope in our economy, that hope in job creation? And the answer is that we are taking \$100 billion and targeting it for a short-term stimulus to help turn this economy around—something that everybody feels each and every day—a change, something different than 2 years ago, than 3 years ago.

Finally, in this bill we authorize the additional tax relief, or debt relief, if surpluses exceed those expectations.

Mr. President, this conference report reflects what the American people want. There is compromise and negotiation in there. I, for one, would like to see taxpayers keep a little bit more money in their pockets as we look to the future. But recognizing the realities of this body pulling together people on both sides of the aisle, I believe the conference report is strong, and it reflects the will and spirit of people throughout Tennessee. Therefore, I look forward to heartily supporting this conference report as we go forward.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I compliment my friend and colleague, the chairman of the committee, Senator DOMENICI, for his work. We have been on the Budget Committee for many years. I have been on it for 20 years and have had the pleasure of working with him. Most of the time, unfortunately, the budgets are pretty partisan. I wish they weren't. I know Senator DOMENICI

wishes they weren't. Many times they are difficult to put together. This has been one of the toughest. It is not an easy task in any way, shape, or form. Certainly, with a 50/50, evenly divided Senate, it is a very difficult task.

I compliment my friend and colleague who has had battles with Democrats, Republicans, with liberals on both sides of the aisle and conservatives on both sides. He has wrestled with a very difficult task. He has come up with a product that I think is a giant step in the right direction. It is not perfect. The Senator from Tennessee, whom I compliment, is a member of this committee. He said he would like to have a larger tax cut. This is a small tax cut in relation to the surplus. We have an estimated surplus of over \$5 trillion. The total tax cut, at maximum, is \$1.35 trillion, with one-fourth going to taxpayers. The majority is used to pay down the national debt. We have colleagues on both sides who said let's do it.

The Senator from New Mexico said we are paying down the national debt from publicly held debt, as of this year, \$3.2 trillion, and in 10 years it will be less than \$1 trillion. We are paying it down to the maximum extent that we possibly can. Nowhere in the history of our country have we ever paid down the national debt the way we are projecting to do it this year, next year, and throughout the next 10 years.

So I compliment my friend from New Mexico. We still have a significant surplus. He says let's give a portion of that to taxpayers. I have heard people objecting and saying we are not taking care of our Nation's domestic needs. Either we need more money for education, or veterans, or defense, and so on; we need more money to spend.

The spenders have been winning for the last 3 years. The people who have wanted for the last 3 years to give some of the surplus to the taxpayers or let the taxpayers keep some of the surplus have lost.

We passed tax cuts in 1999 and 2000. President Clinton vetoed them. We did not have the votes to override, so the taxpayers did not get a break. They just kept sending in more money. As a matter of fact, taxpayers today, on a per capita basis, send in \$1,000 more than the Federal Government is spending. The Federal Government today is spending \$7,000 for every man, woman, and child in the United States. That is a surplus of about \$1,000.

Let's give a portion of that back to the taxpayers. Let's let them keep some of their own money. They are sending in too much. Granted, there is no limit to the ideas we have in Congress on spending people's money, and people obviously think Congress can spend it better than the American people.

Let the taxpayers keep a portion of it and take the bulk of the surplus and pay down the national debt. That is exactly what we are doing in this proposal. Spending continues to grow. Maybe it has not grown as much as it has in the past. Thank goodness.

Spending got out of hand in the last couple of years. I will put in a chart showing domestic spending last year grew 14.1 percent. Defense spending grew at 3.5 percent.

Some people say spending grew at 8 percent last year. Nondefense spending grew at 14 percent last year. That is not sustainable. The education function last year grew in budget authority 29.9 percent. That is not sustainable.

Yet on top of those enormous increases we had last year and large increases in the previous year, this budget says let's grow spending more, actually 5 percent more.

I heard people say: We are not doing enough in education despite the enormous increases we had in education. Education funding is projected under this budget to grow at 11 percent, and all of us suspect, with the large support we have in education led by our President and others, that education within these functions will probably grow by even more than that amount.

My point is, we are spending a lot of money, over \$7,000 for every man, woman, and child, and it should be enough. Surely, we can give some tax relief to taxpayers.

I heard some of my colleagues say the tax bill benefits the rich. I am in the process of working with others on the Finance Committee to put together a bill. It does not just benefit the rich; it benefits taxpayers. It is weighted towards taxpayers who are in the lower income categories. We are talking about large percentage cuts for individuals who pay the lowest rates, not the highest rates. The largest beneficiaries, certainly in the first few years, are the people at the lower end of the brackets who are now paying 15 percent. They will pay 10 percent, or 12 percent under the House bill, or people who are paying 28 percent will pay 15 percent. We are going to expand the 15-percent bracket.

My point is, please do not prejudice the tax bill as benefitting the rich. A lot of that is class warfare demagoguery that is not going to be sustained by the facts. Let's allow taxpayers to keep a portion of the surplus and take the bulk of the surplus to pay down the debt and limit the growth of spending to 4 or 5 percent as proposed under this budget. It is affordable and sustainable.

I thank my colleagues for supporting this budget resolution. We had 65 votes in favor of the budget a week or two ago. There is no reason those individuals who supported this budget a week or so ago would not support it today. The differences in the tax cut are minimal from what we passed a couple weeks ago. I urge my colleagues to support the budget resolution.

Mr. President, I ask unanimous consent that the chart to which I referred earlier be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPROPRIATIONS BY SUBCOMMITTEE

[In billions of dollars]

	Fiscal year 2000	Fiscal year 2001	Growth from fiscal year 2000 (percent)	Fiscal year 2002 request	Growth from fiscal year 2001 (percent)
Agriculture:					
BA	15.0	16.1	7.3	15.4	-4.3
OT	14.7	16.3	10.9	16.4	0.6
Commerce/Justice/State:					
BA	38.8	37.6	-3.1	37.9	0.8
OT	36.9	37.5	1.6	39.6	5.6
District of Columbia:					
BA	0.5	0.5	0.0	0.3	-40.0
OT	0.4	0.5	25.0	0.3	-40.0
Defense:					
BA	278.8	287.5	3.1	301.0	4.7
OT	273.5	276.2	1.0	296.1	7.2
Energy/Water:					
BA	21.6	23.6	9.3	22.5	-4.7
OT	21.7	23.3	7.4	23.2	-0.4
Foreign Operations:					
BA	16.2	14.9	-8.0	15.2	2.0
OT	14.8	15.7	6.1	15.7	0.0
Interior:					
BA	15.4	19.0	23.4	18.1	-4.7
OT	15.6	17.9	14.7	18.3	2.2
Legislative Branch:					
BA	2.5	2.7	8.0	3.0	11.1
OT	2.5	2.6	4.0	3.0	15.4
Labor/HHS:					
BA	87.1	109.4	25.6	116.4	6.4
OT	87.4	100.3	14.8	110.3	10.0
Military Construction:					
BA	8.7	9.0	3.4	9.6	6.7
OT	8.5	8.9	4.7	8.6	-3.4
Transportation:					
BA	14.4	18.3	27.1	16.2	-11.5
OT	44.0	48.2	9.5	52.7	9.3
Treasury/Postal:					
BA	13.7	15.8	15.3	16.6	5.1
OT	13.7	16.1	17.5	16.3	1.2
VA/HUD/IND:					
BA	71.8	80.7	12.4	83.1	3.0
OT	81.1	85.9	5.9	89.0	3.6
Emergency Reserve:					
BA	(¹)	(¹)	(¹)	5.3	(¹)
OT	(¹)	(¹)	(¹)	2.4	(¹)
Total:					
BA	584.4	634.9	8.6	660.6	4.0
OT	614.8	649.4	5.6	691.7	6.5
Defense:					
BA	300.8	311.3	3.5	325.1	4.4
OT	295.0	299.6	1.6	319.2	6.5
Domestic:					
BA	283.6	323.6	14.1	335.5	3.7
OT	319.8	349.8	9.4	372.5	6.5

Source: OMB.

¹ Not applicable.

Mrs. FEINSTEIN. Mr. President, a month ago I voted in support of the budget resolution which passed the Senate and which contained \$688 billion in discretionary spending for fiscal year 2002 and \$1.18 trillion in tax cuts.

I continue to support the elements of the tax package that made for half of the budget agreement. I support providing broad-based tax relief, eliminating the marriage penalty, and providing significant estate tax reform. And I believe that a stimulus package will be important in assuring that the economy does not slip into a recession.

But it was the allocation of resources in the Senate budget resolution—particularly funding for education programs—that made it possible for me and many of my colleagues to support the tax cuts.

Without the allocation of adequate spending to allow us to meet pressing domestic needs, especially in education, it seems to me that the other half of the understanding that made my support of the budget resolution is now missing.

As I understand it, the conference report currently before the Senate, provides discretionary budget authority of

\$661.3 billion in 2002, \$27 billion below the amount agreed on by the Senate, and even below the amount that the CBO estimates is needed to keep pace with inflation.

In fact, overall funding for all non-defense discretionary spending is \$5.5 billion less than last year's level, adjusted for inflation.

And on education, the bottom line appears to be that although the President's budget included an increase in education spending, the conference report which is currently before the Senate does not.

There is no new funding for education in the conference report, and, in fact, the discretionary education totals in the budget resolution are nearly \$1 billion less than the increases provided in the President's budget.

There is no new funding provided for Head Start, and only minimal increases for Title I and the Individuals with Disabilities Education Act, IDEA. This is not an approach which is calibrated to "leave no child behind."

And while it is true that this conference report provides up to \$6.2 billion in additional unallocated discretionary budget authority for funding

domestic priorities beyond the President's budget request, which some have argued can all be used on education, discretionary education funding is only one of the priorities that this money will be needed for. This \$6.2 billion is all that is available for all domestic priorities, not just education.

I supported the Senate budget resolution because I thought that it represented a good balance at a time of unprecedented surpluses, providing both significant tax relief and making significant investments in our children and in our nation's future.

This conference report, unfortunately, no longer contains that balance, and I find that I cannot, in good conscience, support it.

Mr. JEFFORDS. Mr. President, first I must congratulate the chairman of the Budget Committee, Senator DOMENICI, for his hard work on the budget. It is a thankless task that earns the Senator few if any points with his New Mexico constituents. Unfortunately, I am greatly troubled by certain elements in this budget, and

will vote against the fiscal year 2002 budget resolution conference report now before the Senate.

In approving this budget, Congress is missing a significant opportunity to address some of our nation's most critical needs. Key among these needs is education. A nation that does not invest in its people, that does not provide its citizens with an excellent education, that does not ensure that its children can read, and that does not train them for eventual entry into the workforce, is acting irresponsibly.

We must grant the American people a tax cut. We must pay down the debt. We must protect social security. But we must not ignore a most critical responsibility, to provide a free and adequate education to every child in America.

I was proud to play a key role in making the tax cut contained in this budget more responsible. I have the greatest respect for my centrist colleagues who joined me in striking this agreement. But I cannot support a budget that puts large tax cuts and unlimited defense spending ahead of educating our nation's children. By voting against this budget agreement today, I am committing to the nation that I will continue my efforts to bring more resources to our schools and children to improve education.

I can not hide my disappointment that the Congress once again will not fulfill its pledge to fully fund special education. This year, I tried and failed to have language included in the budget that would have made the Individuals with Disabilities Education Act, IDEA, mandatory spending.

When I first arrived in Congress, one of the very first bills that I had the privilege of working on was the Education of All Handicapped Children Act of 1975. As a freshman Member of Congress, I was proud to sponsor that legislation and to be named as a member of the House and Senate conference committee along with then Vermont Senator Bob Stafford.

At that time, despite a clear constitutional obligation to education all children, regardless of disability, thousands of students with disabilities were denied access to a public education. Passage of the Education of All Handicapped Children Act offered financial incentives to states to fulfill this existing obligation. Recognizing that the costs associated with educating these children was more than many school districts could bear alone, the Federal government pledged to pay 40 percent of the additional costs of educating these students.

The budget resolution that is before the Senate continues to make a mockery of this pledge. However, I will work with members of the Senate Appropriations and Finance Committees both to increase annual spending for IDEA and convert the program into mandatory spending. Additionally, the budget sets overall discretionary education spending at a level below what was passed in

the Senate and below what is needed for our children and the future of our country.

The budget resolution allows up to \$1.35 trillion in tax cuts over eleven years. While I agree some level of tax cuts are warranted, I continue to be troubled with making surplus assumptions ten years into the future. The level of tax cuts called for in this resolution gives the Congress little leeway should projected surpluses not materialize.

While the budget resolution sets the overall level of tax cuts that will be considered by the Congress this year under reconciliation rules, I intend to be an aggressive advocate for children when the tax bill is debated in the Finance Committee. I also will strongly advocate that the Congress not attempt this year to exceed \$1.35 trillion in tax cuts by writing additional tax bills. We can and should enact all of this year's tax cuts within a ceiling of \$1.35 trillion.

We dare not risk a return to the era of deficits, especially with the coming retirement of millions of baby boomers and the burden that this will place on the Social Security and Medicare systems.

On the positive side, I am pleased that this resolution protects Social Security. Not one penny of the Social Security surplus is touched. Second, it balances the budget every year without using the Social Security surplus. Thirdly, this resolution retires the national debt held by the public—about \$2 trillion over the next ten years.

I should add that it has been a pleasure these past weeks to work with a bipartisan group of centrist Senators who believe that tax relief is warranted, but not at the expense of education, veterans health, job training, child care, environmental and other important discretionary programs.

This budget, like all budgets passed by Congress, is an expression of political intent, priorities, and a starting point for bargaining. Much work remains to be done to pass the 13 appropriations bills that actually fund the Federal Government. In areas where I disagree with the budget resolution, I plan to work hard with appropriators to adjust spending levels and turn this budget into reality.

Mr. KOHL. Mr. President, I rise today with great disappointment to oppose this budget. I am disappointed that I am forced to vote against a tax cut number, \$1.25 trillion over the next ten years, that I support and think is reasonable. I am disappointed that Congress, by the slimmest of margins, is passing a spending plan that includes zero funding for education reforms, school modernization, teacher training, or any education initiative that will empower our local communities to improve their schools.

But mostly I am disappointed that a budget that left this chamber a reasonable compromise, with significant investment in education, veterans, and

Medicare and an over \$1 trillion tax cut, has returned a political document in bipartisan clothing.

I want to make it clear that I do not oppose the tax cut set up by this budget. I believe that we can afford, and should give, a tax cut of over \$1 trillion. In fact, I have every intention of voting for the tax cut bill that will be on the floor in the next couple of weeks. Our strong economy, and our fiscal discipline over the last few years makes it possible to let taxpayers keep more of their money while still making essential investments in our children, our communities, our veterans and our seniors.

The Senate vote last month proved that. We had 65 votes, mine included, for a budget that envisioned a \$1.2 trillion tax cut, an unprecedented increase in education investment, a substantial commitment to veterans health, significant debt reduction, and the deserved title of bipartisan.

The budget before us today chooses to keep the tax cut, and I support that, but to sacrifice investment on education, health care, NIH, and other domestic priorities. Why? In order to allow a blank check for defense spending.

Let me repeat that. This budget allows an unspecified and unlimited amount of resources to go to defense while holding flat spending on education and other domestic programs, completely flat. The budget before us right now has less education spending than any other budget considered this year—the Senate Budget Resolution passed last month had more, the House Budget Resolution passed last month had more, the President's budget submission had more. I pride myself on being a tightwad when it comes to spending taxpayer money, but I have always said the one area I will not shortchange is our children's education. I cannot support the lowest offer for education on the table, yet that is exactly what we have before us today.

I very much wanted to support this budget today. I look forward to supporting portions of it in the future. And I sincerely hope that, as we work through the tax and spending bills this year, we return to the compromise and broad support that marked the Senate Budget Resolution—and reject the extremism and political polarization that scars the final budget before us now.

Mr. BIDEN. Mr. President, when I came to the Senate almost 30 years ago, we were just entering what became a generation of Federal deficit spending. We lost the key to balanced budgets, the discipline to match our spending with our income.

The economic impact of those decades of deficits was profound. The accumulating debt grew faster than our economy, and we slipped from our position as the world's leading creditor nation to the world's biggest borrower.

While the Federal Government borrowed money as if nobody else needed

it, private borrowers from first-time home buyers to major corporations all paid more for their loans. Our inability to balance our budgets was a dead weight burden on the economy here, and our high interest rates affected international finance as well.

But perhaps the most important cost of those deficits was the loss of faith suffered by Americans in their Government. A lot of factors contributed to that cynicism and skepticism, but I am convinced that the cumulative effect of decades of unbalanced budgets was a major reason Americans for so long held their Government in such low esteem.

Those deficits had another major effect. As we struggled every year to match our spending with our income, the priorities I came to the Senate to fight for, support for those among us who need it most, protection of the environment, quality education for everyone, safe streets and homes, those priorities were the first hit by spending cuts.

And as we cut back on those programs, we cut back on the basic responsibilities of a democratic government. The era of budget deficits was marked by a deficit of democracy itself.

Today, we can congratulate ourselves on not only balancing our budgets, but on producing substantial budget surpluses. On the foundation of an historical economic boom, the longest period of high-productivity growth in our history, we have restored the health of our Federal budgets.

History will judge how we manage this success, what we do with the opportunity before us. Will we build a foundation for future growth, will we pay down the burden of debt that we built up in the generation of deficits, will we continue to meet the demands of our citizens for world class education, health care, and technology, for safe streets, clean air and water? Or will we put all of this at risk, along with the hard-won victory over deficits?

I will vote against the Budget Resolution before us today, because it gives the wrong answer to those questions.

As the distinguished ranking member of the Appropriations Committee reminded us so eloquently last week, Americans rightly expect us to make sure that the basic functions of government are taken care of. When we fail to provide the safe streets, the clean water, the good schools, that the citizens of the world's richest nation have every reason to expect, we have failed to live up to our responsibilities. I am sorry to say that this budget marks such a failure.

Because of the size of the tax cuts, \$1.35 billion, and their shape, they increase in cost in future years, this budget puts at risk all we have gained through years of hard work on the budget. And it puts at risk our ability to meet the basic demands our citizens make of us to manage our common affairs effectively and efficiently.

We have real needs in this country, as the distinguished Senator from West Virginia reminded us last week. Almost a third of our bridges are in need of repair, many of our school rooms are crumbling, our water and sewer systems are in disrepair. In the midst of all of the private wealth our economy has created in the last decade, our public investments have failed to keep pace.

This budget fails to provide any new funds for education, for health care, for clean air and water, for police protection, for safer roads and bridges—none. This budget spends less per citizen, after inflation, for all of those priorities.

The President claims, and I believe him, that he wants to spend more on education. I support him in that effort. However, because there is not enough money in this budget to keep present levels of support for any domestic priorities, any increase in education spending will have to come out of police protection, out of drug interdiction, out of health care research.

There is no increase in spending for education, unless you count a vague promise that we would like to spend more. But a budget is not about vague promises. It should tell us the facts about how much we have to spend on our priorities. And the sad fact is that this budget has no new money for education, period.

This budget fails to meet the basic test of facing up to reality, there are more demands on our budget than there are funds to meet them, and this budget gives us no idea of where the cuts will fall to pay for any of the new priorities we face.

When the Senate voted on its version of the budget last month, we called for \$225 billion in additional investments in education. That money is gone from the Budget Resolution before us today, gone.

In fact in this resolution, there is actually \$5.5 billion less than last year's spending for education, allowing for inflation.

The Federal budget is already smallest it has been since 1960 as a share of our economy. It is simply not realistic to assume that it will continue to shrink, in real terms, not just next year but for the next ten years. But that is just what this budget assumes.

These cuts in domestic priorities will happen even if the economic projections on which this budget is based, ten-year projections that have proved wrong every time in the past, even if those projections turn out to be true. If the economy grows more slowly, if we face natural disasters, national security threats or other inevitable but unpredictable emergencies, there will be even more cuts.

But there are other assumptions built into this budget, assumptions that I believe will be wrong no matter what happens to those economic projections. This budget assumes we will do nothing to protect millions of Amer-

icans from increases in the alternative minimum tax, that we will fail to renew popular and important programs such as the research and development tax credit, it assumes that we can undertake a major overhaul of our defense policy with a relatively small increase in spending. But recent statements by Defense Secretary Rumsfeld suggest hundreds of billions of dollars in new spending, that is not in this budget.

If any of those assumptions, or a lot of other similar costly issues that are assumed away in this budget, prove to be wrong, there will be even less money for education, for health care research, for clean air and water, for cops on the beat.

But this budget does not face up to those problems, it assumes them away.

With the underlying health of our economy, with the hard work we put into restoring balance to our budgets, I am convinced we can afford tax cuts, tax cuts that would in any other context sound huge.

Prudent budgeting, that makes full allowance for domestic and defense priorities and that is cautious about ten-year economic forecasts that have huge margins of error, would still leave room for hundreds of billions of dollars in tax cuts.

There is no economic reason behind the tax cut numbers in this resolution. Those numbers date back to the Republican primaries, in 1999, when the economy was booming, the stock market was soaring and unemployment was falling. The Bush campaign picked a tax cut number they thought would help them beat Steve Forbes in the New Hampshire primary.

They certainly were not concerned with formulating a ten-year budget plan during a slack economy. But those are the numbers we are told are still basically right for today.

If we go into this thinking that we can afford a tax cut of this size, and a defense build-up many times greater than this budget allows for, with promises to increase spending on education, expectations that health care spending will go up, some kind of plan to shore up Social Security and Medicare with funds from outside those systems, I think we can all see where we are headed.

One of the first things to go will the surpluses that we ought to use to pay down the debt, the burden that raises interest payments today and that our children and grandchildren will have to pay off. For all the talk about the surpluses belonging to the American people, we have to remember that the national debt belongs to them, too.

Playing fast and loose with the assumptions in the budget could leave us with a bigger debt, and higher continuing interest payments on the debt burden, than we would have if we stayed on the course that restored balance to our budgets.

We have come too far to go that way again.

This budget does not build on the successes of the last decade; it threatens to return us to the time when we failed to make the hard choices that Americans expect us to make. I will vote against this budget resolution, and I hope my colleagues will join me.

Mrs. CARNAHAN. Mr. President. Last month, I joined a bipartisan group of centrist Senators to support a \$1.25 trillion tax cut along with an economic stimulus for this year. The tax cut agreed upon after negotiations with the White House and House of Representatives totals \$1.35 trillion. I support a tax cut of this size and think that the people of Missouri also believe it to be a commonsense compromise.

This tax cut should provide immediate tax relief to help stimulate the economy, cut personal income taxes for all taxpayers, eliminate the marriage penalty, and eliminate the estate tax for all family farms and family-owned small businesses. I also want to ensure that the tax cut is distributed fairly and responsibly by focusing on the people who need tax relief the most—the working men and women of America.

The other key component of the budget voted on by the Senate last month was an approximately \$300 billion investment in education over the next decade. That budget plan included sufficient funds to meet the Federal Government's commitment to fund 40 percent of the cost of special education. Meeting this commitment would enable states and localities to spend billions of dollars of their own funds on improving educational quality at the local level. The Senate budget also included funds for student loans, programs for disadvantaged students, and the testing and accountability reforms currently being debated on the Senate floor.

Unfortunately, the conference report before us completely eliminated the educational investments contained in the Senate passed budget. Indeed, this conference report does not even fund the education increases contained in President Bush's budget proposal.

Not only is this approach to education inconsistent with the bipartisan actions taken on the budget by the Senate a few weeks ago, but it is dramatically at odds with the votes being cast by the Senate on the education reform bill. Last week, the Senate unanimously voted to fully fund the Individual with Disabilities Education Act at a cost of \$120 billion over ten years. Earlier this week, the Senate agreed to fully fund the largest federal education program for disadvantaged students at a cost of \$130 billion. The vote on that amendment was 79-21.

I am a newcomer to the Federal budget process, but it defies common sense to be voting to support major increased investments in education on the one hand, while on the other hand voting for a budget that does not meet these commitments.

Some of my colleagues have stated that the lack of education funding in

the budget should not be of concern because, eventually, Congress will provide additional support for education during the appropriations process. But I ask, what purpose does a budget serve if we vote based on an intention not to abide by it?

So, while I strongly support the \$1.35 trillion in tax cuts for the American people contained in the conference report, I cannot support this budget agreement. I look forward to working on the tax cut legislation scheduled for later this month and on the appropriations bills that follow. Hopefully, in the end, we will provide both a tax cut of \$1.35 trillion that provides needed tax relief to the public and an investment plan that meets our vital national priorities.

Mr. DODD. Mr. President, today the Senate will complete action on the conference report to the 2002 budget resolution. While we all know that a budget resolution is a non-binding document that does not require the President's signature, it is, nonetheless, still an important document because it should serve as the blueprint that reflects the priorities for America. Sadly, the document before us does not fulfill that purpose.

At the outset, let me first express my disappointment with the process that was undertaken to produce this misguided conference report. In the Senate, Budget Committee members were denied the opportunity to mark up a budget resolution and the decision was made to bring one directly to the floor for consideration without any committee input. The conference report itself was negotiated by the White House and Republican congressional leaders without allowing Democratic members a meaningful seat at the table. As a result, the Senate will be voting on a partisan conference report that is flawed, unbalanced, and out of touch with the needs of the American people. We need to take a lesson from this year's experience to improve upon how we deal with one of the most important pieces of legislation that we consider as a body each year. This conference report isn't worthy of the Senate and it's certainly not worthy of the Americans it is intended to serve.

The budget outlined in this conference report fails on a number of important counts and I take this opportunity to briefly discuss why I believe this budget is wrong for this country and why I will be voting against it.

First, this conference report is unrealistic as it fails to take into account numerous costs that will most likely be incurred in the months and years ahead. Specifically, it ignores the cost of Alternative Minimum Tax reform, something that we all know will be absolutely necessary as more and more taxpayers find themselves subject to this tax. It does not address the additional interest costs associated with the tax cut required in the conference report or the funds that will be needed for the extension of popular expiring

tax provisions. It also does not consider the costs that are likely to arise as a result of the President's National Defense Review. Preliminary estimates indicate that this new defense spending could carry a price tag of at least \$250 billion over the next 10 years. Yet, none of these costs are reflected in the document up for consideration today.

Second, the conference report provides no safeguards for Social Security and Medicare. Once one adds up all the real costs which, again, are noticeably absent from this budget, raiding both the Social Security and Medicare trust funds will become an unfortunate reality. What is more troubling is the fact that this budget does not provide any real protections for these trust funds that would guarantee that their surpluses would be used only for the purposes of Social Security and Medicare. We seem to be moving in the wrong direction on Social Security and Medicare at a time when the demands being placed on them will be at their greatest. These trust funds should not become a piggy bank, but I fear that this conference report does nothing to ensure that they won't.

Third, one of this conference report's most obvious failures, is the fact that it limits our ability to invest in the priorities that are so important to the American public like preserving the environment, law enforcement, new highways, and quality health care. One of the areas in which I, personally, take the greatest exception is the conference report's utter disregard for education.

Many of us in the Senate agree that education is one of the most critical priorities facing our nation. Proof of this was evident during the Senate's consideration of the budget resolution when, on a bipartisan basis, the Senate voted for a smaller tax cut and increased investments for children and education.

In a bipartisan vote, the Senate approved an amendment offered by Senator HARKIN which added \$250 billion to support student achievement and to help failing schools. Again, on a bipartisan basis, the Senate supported an amendment from Senators BREAU and JEFFORDS which increased funding for the education of children with disabilities by \$70 billion. In addition, last week, by an overwhelming vote of 79-21, the Senate supported an amendment to the ESEA reauthorization bill that I offered with Senator COLLINS to add \$135 billion over the next 10 years to the title I of the Elementary and Secondary Education Act, which helps to meet the educational needs of the poorest, most vulnerable children in our country.

And does this conference report reflect any of these bipartisan votes? No. It rejects them and provides no new dollars for us to commit to education in this country. It prevents us from making any of those investments on behalf of the neediest school children in America that the Senate has gone on record as supporting.

I have heard my Republican colleagues claim that this conference report increases funding for education. While we may be reading the same document, we do not share the same interpretation of its meaning. As a result, there are no increases to be found. None.

In fact, when I read this conference report, all I see are cuts. There are no increases for education because total non-defense discretionary funding in this conference report is actually \$5.5 billion below what is needed to maintain even current programs and services. This decrease becomes \$62 billion less over the next 10 years. Consequently, to pay for any proposed increases in education will require severe cuts in other programs which are already operating on less than adequate funding. So, in effect, this conference report will squeeze resources from critical priorities such as education, health care, and the environment in order to help finance a massive tax cut that heavily favors the most affluent.

I am aware that the conference report provides a \$6.2 billion earmark for education. Unfortunately, this money is a mirage. It is in the form of non-binding, unenforceable "sense of the Congress" language expressing that Congress should spend this money on education. This is in no way a guarantee and it is a far cry from the resources that the Senate believed were necessary to truly improve education in this country.

The one thing that is abundantly clear in this conference report is the amount of money that will be spent on a tax cut. I find it interesting that the language in the report with respect to the tax cut is straightforward and directs Congress to cut taxes by \$1.25 trillion over the next 10 years. Yet, we can't seem to make the same kind of unequivocal commitment to education.

I support tax relief and I believe that Americans need tax relief. But tax relief must be affordable fair. The tax cut in this conference report is neither. I believe it is unwise to commit \$1.25 trillion to tax cuts that will benefit the wealthiest Americans, that we may not be able to pay for in years to come, and that may risk a return to runaway deficits.

The conference report also can't seem to commit to the idea of an immediate economic stimulus which many economists feel would boost our slowing economy. With the way the language is structured in the conference report, the \$100 billion that should be used as a stimulus in 2002 could potentially be spread over the next decade, thereby losing its stimulatory impact.

One way to make this tax cut more fair would be to double the child tax credit and make \$500 of it refundable. Senator SNOWE and I have introduced legislation to do precisely that. This bill would, with just a few words, lift one million children out of poverty.

It seems fair to me that at the same time that we consider cutting taxes by

\$1.25 trillion over the next 11 years, we could work to find the resources to provide these working families with some kind of modest relief. Senator SNOWE and I introduced what I believe is a bill that acts as a first step in truly helping these families. This legislation won't eliminate child poverty entirely, but it's a start. I hope that the Finance Committee will keep the millions of children who live in poverty in this country in mind as it begins work on a tax bill.

I represent a State with the highest per capita income in the nation. Yet, surprisingly, I do not many people asking for a \$1.25 trillion tax cut. What I do hear is that people want Social Security and Medicare to be strengthened, they want cleaner drinking water, they want better roads, and they want quality teachers and safer schools for their kids.

Unfortunately, this conference report virtually ignores all of their concerns and offers only vague, empty promises. This conference report has got it all wrong. It's wrong on the environment, it's wrong on defense, it's wrong on Social Security and Medicare, it's wrong on education, and it's most especially wrong on tax cuts.

As such, I hope my colleagues will join me in opposing this conference report so that we can begin work again, in a bipartisan fashion, to prove to the American people that we are truly listening. And should it pass—as it probably will on a largely partisan basis—I hope that we will, before the year is out, honor and support the important priorities of the American people.

Mr. LEAHY. Mr. President, I must oppose this budget resolution conference report because it is an irresponsible gamble with our economic future. Despite the best efforts of the Senate to reduce the President's risky tax cut plan, this conference report does not adequately protect the interests of low- and medium-income American men, women, and children.

This resolution sets aside trillions of projected budget surpluses for tax cuts proposed by President Bush that are steeply tilted to the wealthy. It pays for the Bush tax plan at the expense of needed investments in Social Security, Medicare, education, and the environment. In addition, the cost of the Bush tax plan imperils our ability to pay off the national debt so that this nation can finally be debt free by the end of the decade.

We should remember that the nation still carries the burden of a national debt of \$3.4 trillion. Like someone who had finally paid off his or her credit card balance but still has a home mortgage, the federal government has finally balanced its annual budget, but we still have a national debt to pay off. In the meantime, the Federal government has to pay almost \$900 million in interest every working day on this national debt.

Paying off our national debt will help to sustain our sound economy by keep-

ing interest rates low. Vermonters gain ground with lower mortgage costs, car payments and credit card charges with low interest rates. In addition, small business owners in Vermont can invest, expand and create jobs with low interest rates.

I want to leave a legacy for our children and grandchildren of a debt-free nation by 2010. We can achieve that legacy if the Congress maintains its fiscal discipline. But this budget resolution tosses out fiscal responsibility for skewed tax breaks. It is based on a house of cards made up of rosy budget scenarios for the next ten years. Any downturn in the economy, are of which we are now beginning to experience, threatens to topple this house of cards.

Mr. President, the \$5.6 trillion surplus that President Bush and others are counting on to pay for huge tax cuts is based on mere projections over the next decade. It is not real. Many in Congress have been talking about the \$5.6 trillion surplus as if it is already money in the United States Treasury. It is not.

While none of us hope that the budget surpluses are lower than we expect, to be responsible we need to understand that this is a real possibility. In its budget and economic outlook released in January 1st, CBO devotes an entire chapter to the uncertainty of budget projections. CBO warns Congress that there is only a 10 percent chance that the surpluses will materialize as projected by saying: "Considerable uncertainty surrounds those projections." This is because CBO cannot predict what legislation Congress might pass that would alter federal spending and revenues. In addition, CBO says—and anyone whose watched the volatility of our markets over the past few months knows—that the U.S. economy and federal budget are highly complex and are affected by many factors that are difficult to predict.

With all of this uncertainty in projecting future surpluses, it is amazing to me that the budget resolution insists on a fixed \$1.35 trillion tax cut. I was one of five Senators still in the Senate who voted against the Reagan tax plan in 1981. We saw what happened there: We had a huge tax cut, defense spending boomed, and the national debt quadrupled.

The conference report includes the full \$1.5 billion increase in budget authority (\$32.4 billion total) for essential Department of Justice programs to help state and local law enforcement programs contained in the Leahy/Harkin amendment that unanimously passed the Senate. However it reduces the outlays increase to \$1.1 billion (\$31.8 billion total) in FY 2002. The conference report also waters down the Sense of the Senate language to drop all references to specific grant programs that are targeted for cuts by the President.

I cosponsored and supported a successful, bipartisan amendment in the

Senate to increase funding for agriculture conservation programs on private lands by \$1.3 billion. This funding was to support nationally-successful programs like the Environmental Quality Incentive Program, the Farmland Protection Program, and the Wildlife Habitat Incentive Program—programs that truly help farmers and ranchers keep their working lands and that help private landowners enhance their communities' water quality, open space, and wildlife habitat.

Unfortunately, though communities all over the nation have asked Congress for help to protect and restore water quality and open space, Republican negotiators chose to strike funds for our amendment in the final conference report.

The conference report also ignores communities' cries for cleaner energy and energy conservation—especially communities in the Northeast who breathe the downwind fumes of 1960's-era, dirty energy production further west. By following the Bush plan to significantly cut funding for the Department of Energy's conservation, energy efficiency, and clean energy programs, the Republican negotiators continue to ignore the 21st century energy needs of our people.

During consideration of the budget resolution in the Senate, I joined many of my colleagues in supporting amendments to increase funding for education programs. Despite the passage of these important amendments, this budget resolution conference report ignores the Senate's actions and does not provide sufficient funds for our students, teachers and schools.

This conference report contains no increase for K-12 or higher education discretionary spending. Mandatory spending for education and training is essentially the same as the House-passed resolution and therefore reflects none of the Senate's bipartisan actions. The conference report rejects the Harkin education amendment that provided increased funds for so many important education programs. It rejects the Jeffords/Breaux amendment, which increased funding for the Individuals with Disabilities Education (IDEA) Act—fulfilling the Federal government's responsibility. This conference report also fails to accommodate the Hagel-Harkin amendment—adopted unanimously by the Senate to the Elementary and Secondary Education Act (ESEA)—without additional cuts to student loan programs.

At a time when the Senate is debating reauthorization of ESEA and considering a significant change to our education system, it makes no sense to me that we reduce education funds as is the case in this conference report. If we really want to leave no child behind, then we must acknowledge that we have a financial responsibility to support our children's education. This conference report fails to do that.

The conference report includes a \$1 billion increase in discretionary vet-

erans health spending. That increase barely covers inflation in the Department of Veterans Affairs' current programs, let alone provides the department flexibility to increase the availability and quality of care. I am also concerned that this budget squeezes this money out of critical veterans health research programs, leaving investigations into spinal injuries and war wounds at inadequate levels.

This conference report also drops a provision passed by the Senate that would have allowed military retirees to receive their full VA disability and retiree pay earned during their lifelong service. Once again, the other side has made it a priority to top-off the bulging piggy-banks of the wealthy with change pilfered from the fixed income checks of those who have sacrificed for our country.

Mr. President, after years of hard choices, we have balanced the budget and started building surpluses. Now we must make responsible choices for the future. Our top four priorities should be paying off the national debt, passing a fair and responsible tax cut, saving Social Security, and creating a real Medicare prescription drug benefit. This budget falls far short of these priorities. For the sake of our economy and the working families of America, I will vote against this budget resolution.

Mr. KENNEDY. Mr. President, yesterday I cited chapter and verse how this Republican budget flunks the test of education reform. It puts tax cuts for the wealthy first, and the needs of America's children last. But that is not the only fundamental flaw in this budget. America's seniors, too, will be left out and left behind.

Too many elderly Americans today must choose between food on the table and the medicine they need to stay healthy or to treat their illnesses. Too many senior citizens take half the pills their doctor prescribes, or don't even fill needed prescriptions—because they can't afford the high cost of prescription drugs.

Too many seniors are paying twice as much as they should for the drugs they need, because they are forced to pay full price, while almost everyone with a private insurance policy benefits from negotiated discounts.

Too many seniors are ending up hospitalized—at immense cost to Medicare—because they aren't receiving the drugs they need at all, or can't afford to take them correctly.

Pharmaceutical products are increasingly the source of miracle cures for a host of dread diseases, but senior citizens are left out and left behind in this republican budget.

The crisis senior citizens face today will only worsen if we refuse to act, because insurance coverage continues to go down, and drug costs continue to go up.

Twelve million senior citizens—one third of the total—have no prescription drug coverage at all. Only half of all

senior citizens have prescription drug coverage throughout the year. Coverage through employer retirement plans is plummeting. Medicare HMOs are drastically cutting back. Medigap plans are priced out of reach of most seniors. The sad fact is that the only senior citizens who have stable, reliable, affordable drug coverage today are the very poor on Medicaid.

Prescription drug costs are out of control. Since 1996, costs have grown at double-digit rates every year. In the stunning report released earlier this week, cost increases continue to accelerate, with prescription drug costs growing an enormous 18.8 percent last year. No wonder access to affordable prescription drugs has become a crisis for so many elderly Americans.

Every Member of Congress understands that this is a crisis—but this budget offers no solution. It refuses to give senior citizens the help they deserve. Yet it gives lavish tax breaks to millionaires.

Compare the language in this budget for prescription drugs to language on tax cuts and you have a sense of the relative priorities in this budget.

If the Republicans gave a real priority to coverage of prescription drugs under Medicare, there would be a reconciliation instruction—not a reserve fund. The budget resolution could require the Finance Committee to report a prescription drug bill and set a date certain for action, just as the GOP resolution does for tax cuts.

If Republicans gave a real priority to this proposal, they would not condition life-saving prescription drugs for seniors on "reforming" Medicare. The supporters of the resolution are saying that prescription drugs for seniors will be held hostage to controversial reforms in other parts of Medicare. But the resolution contains no requirement that the tax code must be reformed before millionaires get their tax breaks.

If the Republicans were serious about a prescription drug proposal, the resolution would specify that the reserve fund is for coverage of prescription drugs under Medicare. That is what senior citizens want and deserve. But this resolution doesn't require that. These funds are available for any program that "improves access to prescription drugs for Medicare beneficiaries." That could be a welfare program. It could be an expansion of Medicaid. It could even be President Bush's proposed block grant that would reach only one-third of senior citizens.

At bottom, the amount the resolution allocates for Medicare prescription drugs is grossly inadequate. The maximum it provides is \$300 billion over ten years. But, according to the Congressional Budget Office, senior citizens will have to spend \$1.1 trillion on prescription drugs over the next ten years. The maximum amount that can be provided under this budget resolution is only about a quarter of that amount. That is not the kind of help senior citizens need, and it is not what

Congress should provide. To add insult to injury, the Republican budget resolution allows the Medicare drug benefit to be funded by taking money from the Medicare Hospital Insurance fund, which seniors have paid into over their working lives to protect them against the high cost of health care.

There is a reason for the inadequate promises of this budget resolution. The budget does not contain enough funds to provide a real prescription drug benefit under Medicare, because it squanders too much of the budget surplus on new tax breaks for millionaires.

Medicare is a solemn promise to senior citizens. It says, "Work hard, pay into the trust fund during your working years, and you will have health security in your retirement years." But this promise is being broken every day, because Medicare does not cover prescription drugs, and this budget does not mend that broken promise.

It has been said that the measure of a society is how it treats its young and its old. By this measure, the Republican budget is a sad commentary on our values. It shortchanges young and old alike. It is a budget that is anti-child, anti-education, and anti-senior citizen. Its priorities are not the priorities of the American people, and it should be rejected.

This budget spends \$1.6 trillion over the next ten years on tax cuts, but only \$153 billion on Medicare prescription drugs. Almost half the tax cut goes to the richest one percent of Americans—people with incomes averaging more than a million dollars a year. The GOP budget gives this small number of wealthy families more than five times as much as it provides for essential prescription drugs for forty million elderly and disabled Americans.

The President and the sponsors of this budget say that they want to provide prescription drug coverage for every elderly American under Medicare. But adoption of this budget will make this goal much more difficult to achieve. This budget squanders the surplus and saves only token amounts for Medicare prescription drugs.

In fact the budget does not even fund the low income program fully. If the block grant program is adjusted for inflation, it will cost \$210 billion over 10 years, not the \$153 billion that this budget provides. Clearly, there is not enough money in this budget to fund a Medicare benefit for all senior citizens.

The choice could not be clearer. Do we stand with America's senior citizens—or with the privileged few? Do we believe the budget surplus should be used to benefit all Americans—or just the wealthiest Americans? Do we believe it is more important for people who already have incomes of more than a million dollars a year to get an additional \$50,000 a year, than it is for senior citizens scraping by on limited incomes to get the life-saving drugs their doctors prescribe?

For all of these reasons, I urge my colleagues to vote against this anti-senior citizen budget.

Mr. LIEBERMAN. Mr. President, I rise today to express my serious disappointment with the budget resolution and to explain why I cannot vote for it. This resolution is irresponsible. It is irresponsible to the citizens and businesses of this nation, to the fundamental economic principles for which we stand, and to the values that define us as Americans. As I have stated often, the government does not create jobs or economic success. However, through fiscal discipline the government can create an environment in which the private sector thrives. Fiscal responsibility produced an environment that enabled the historic economic growth of the past several years and the unprecedented surplus we have today. I am sorry to say this resolution abandons that discipline.

Government should tend to the people's money with the same care and consideration that individuals, families, and businesses demonstrate when handling their own dollars and cents. As I look at the budget resolution that we are voting on, I conclude that it lacks not only fiscal responsibility, but also a sense of reality. It is based entirely on large projected surpluses that we are not confident will materialize. And, if these surpluses are not realized, this budget resolution puts us at risk of returning to deficit spending financed by borrowing from the Social Security and Medicare Trust Funds.

The tax cut provided for in this budget resolution is simply too large. At the very least, it will cost \$1.35 trillion over 11 years. In addition, if you add in other required or likely to pass tax provisions, including AMT reform, increased interest payments, extension of expiring tax provisions, pension reforms and business tax cuts, this package easily rises to above \$2 trillion. While I support significant tax cuts, that amount is more than we can afford. This budget resolution spends too much of the projected surplus on a tax cut that is too large and it uses too little of the surplus for other priorities.

Additionally, this resolution does not seriously address debt reduction. Aside from funds already committed to the Medicare and Social Security Trust Funds, this budget does not devote a single dollar over the entire decade towards paying down our national debt. Because this resolution is so irresponsible, it is not at all clear that even the Medicare and Social Security Trust funds will be available for debt reduction if they are used instead to pay for the tax cut. Sadly, this budget resolution sacrifices the unique opportunity that we have at this point in time to successfully pay down our publicly held debt—the key to low interest rates and economic growth.

This budget resolution sets us on course for an appropriations train wreck later this year and in the future. The spending levels do not even keep up with inflation. The resolution provides total discretionary spending levels for FY02 that are \$2 billion below

CBO's baseline with inflation. For the 10-year period, they are \$24 billion below inflation. Despite the rhetoric, it removes nearly \$300 billion in additional education funding that the Senate had added to its budget resolution. It provides an increase of only \$3.3 billion above inflation for defense in FY02 and only \$40 billion over ten years—\$22 billion less than the President's request prior to the Rumsfeld review. According to the resolution, any increased spending as a result of the Rumsfeld review which is likely to be at least \$250 billion over 10 years—would come out of the contingency reserve fund. This fund may not even exist if surplus projections do not materialize or if Congress taps it for other purposes, including additional tax cuts.

This budget resolution does not represent reality, but fantasy. It abandons fiscal discipline and blithely overspends a surplus whose size six months down the road or six years down the road is at best theoretical. This agreement sets our country on a dangerous path toward resurrecting the deficits we worked so hard to eliminate over the past several years. Finally, this resolution does not add up because the Administration and the Majority here in Congress prefer to sound the call for compassionate conservatism rather than engage in honest accounting. It is "dejavoodoo economics." It commits us to the same fiscal mistakes of the early 1980s that had a horrendous and long-lasting impact on our economy.

So I call on centrists of both parties here in the Senate to not waste a decade's worth of hard work invested in re-building our economy. I urge my colleagues to look closely at this resolution. It is not what the American people deserve, nor is it what they expect it to be. In support of progress and prosperity, I must vote no and I encourage my centrist colleagues to do the same.

Mr. NELSON of Nebraska. Mr. President, I want to express my support for the conference report on the budget resolution. My affirmative vote on this report will be cast for several reasons, but the most important one among them is that this resolution provides the American people with a substantial tax cut—without neglecting our national budgetary obligations. The concerted effort from Senators and Members of Congress on both sides of the aisle in the negotiating process has culminated in a victory for American taxpayers.

The vote on the budget resolution will succeed in doing a great deal for our country and for our future. Today we are authorizing the third largest tax cut in the history of our Union. The men and women of Nebraska, as well as the men and women across the Nation, will directly benefit from the \$1.25 trillion tax cut over 11 years that will enable us to still pay down the national debt and meet our domestic budgetary priorities. The American people deserve a tax cut, and it is the

role of Congress and the administration to deliver it. This conference report is our delivery vehicle.

Of even greater consequence than the tax cut spread over 11 years is the inclusion of a \$100 billion up-front stimulus package, which will help strengthen our economy sooner rather than later. I firmly believe that our economy, which has been showing all the symptoms of a slow-down, needs a jump-start from a stimulus package to blunt the effect of what could become a serious economic recession. As any doctor will tell you, you should not wait until the patient is on life support before you begin treatment. It is critical that we heed the warning signs of a slowing economy, and use the tools within our legislative power to prevent the situation from metastasizing. The 2-year, \$100-billion economic stimulus package prescribed by this conference report will put the American economy back on the road to recovery.

Another important aspect of the resolution, in addition to the substantial tax cut and the upfront stimulus package, is the increased support of agriculture. When our budget negotiations started, agriculture was a mere footnote in the margin. While it remains a footnote, it is now a little bolder and a little bigger. I am anxious to see agriculture removed altogether from "footnote" status, or more accurately, out of emergency spending mode; but I am pleased in the interim that at least we are increasing agriculture funding to a more substantial—and realistic—level. While a new farm bill would be more welcome than prolonging the endless cycle of emergency spending, the \$79 billion over 11 years that has been included in this Report does recognize and consider the unfavorable odds and inequities that our farmers and ranchers are forced to contend with due to a problematic farm bill and unpredictable hardships dispensed by Mother Nature.

As with any compromise, the conference report on the budget resolution is not representative of my ideal budgetary blueprint. I accept, however, that "giving and taking" is an integral part of the bicameral, bipartisan negotiating process. While this report could be stronger in some areas—namely, education—I am comfortable casting an affirmative vote, because it meets an important criterion I have consistently promoted throughout the process. This report authorizes a substantial tax cut—including an up-front economic stimulus package—that allows us to still provide for our critical domestic priorities, such as preserving Social Security and Medicare, paying down the national debt, and funding agriculture. As a result, I will vote in favor of this conference report.

While the final outcome of the budget resolution cannot be described accurately as a triumph for bipartisanship, it can be characterized as a triumph for American taxpayers. It is my hope that we will forge ahead on other issues in a

stronger and more cohesive spirit, more united in our efforts and less divided in our cause. It is time to make "politics as usual" synonymous with progress, not partisanship.

The PRESIDING OFFICER (Mr. AL-LARD). Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield myself the remaining time and I ask the Chair if he would inform me when I have 5 minutes remaining.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. CONRAD. I thank the Chair.

Mr. President, first, I thank the chairman of the Budget Committee for his courtesy as we have considered the budget conference report. I respect him. I admire him. I have affection for him. I disagree with him with respect to this budget, and I disagree with him strongly with respect to this budget.

I do not believe this is the right budget plan for our country, and it is not an opinion limited to me. We have heard on our side of the aisle how deficient we believe this budget is.

I noticed in this morning's New York Times the lead editorial was entitled "An Irresponsible Budget Plan." I will read the first sentence:

After several days of back room negotiations, the House approved a federal budget plan yesterday that is a model of fiscal evasion and irresponsibility.

I echo those words.

Earlier the Washington Post called this budget we are considering today an unreal budget. They concluded their editorial by saying:

The theme of this budget is tax cuts first, sweep up afterward. It's the wrong way around. Budget resolutions are supposed to foster fiscal responsibility. This one will have the opposite effect.

Unfortunately, that is the case. The reason for it is quite clear. First, this entire budget is based on a 10-year forecast—10 years. This is not money in the bank; these are projections over 10 years. The people who made the projections have warned us of the uncertainty. In fact, they told us that in the fifth year alone, based on the previous variances in their forecasts, we could have anywhere from a \$50 billion deficit to more than a \$1 trillion surplus.

In fact, they have told us there is only a 10-percent chance the forecast number that is being used, that is being relied on, will come true. There is a 45-percent chance there will be more money; a 45-percent chance there will be less money. And that forecast was made 8 weeks ago before we saw additional weakness in the economy.

Just yesterday, we saw the productivity growth forecast come out on the first quarter of this year. They were expecting a 1-percent increase. Instead, they got a reduction. If there is just a 1-percent reduction in productivity over the forecast period, instead of having a \$5.6 trillion surplus, we will have a \$3.2 trillion surplus. It seems to me that advises caution in what we do on this budget resolution.

Those are not the only defects of this budget. There are huge chunks of spending that are not even in this budget, that have not been included. For example, here is a story from USA Today, Friday, April 27. "Billions Sought for Arms." The story says that the Secretary of Defense and this administration are expected to seek a large boost in defense spending, \$200 billion to \$300 billion over the next 6 years.

That money is not in the budget. None of that money is in the budget. Why not?

Perhaps we heard the reason in an interview this last weekend on "Meet the Press." The Secretary of Defense was there. He was asked:

Will you get the \$10 billion more in defense money this year that you need?

His response:

I don't know. I have not gone to the President as yet. He wanted to wait until after some of the studies had been completed and until the tax bill was behind us. . . .

That is the real reason this budget is unreal. It is the real reason this budget is irresponsible, because they are not telling us the full story. They do not really have the budget before us. What they have is a part of the budget because they know what we know. If they put the full budget in place on one piece of paper, on one document, it would not add up. That is the problem with this budget.

It goes to education. The President says education is his highest priority, and yet there is no new money in this budget for education. In the Senate, when we considered the budget, we passed the Harkin amendment that added \$225 billion for education. It took \$450 billion away from the tax cut and put \$225 billion into education and put \$225 billion into paying down more of the debt. What came back from the conference committee? Not one penny of that amendment survived.

We passed a bipartisan amendment on the floor of the Senate when the budget resolution was considered, with \$70 billion of additional funding for education to address the disabilities act. Not one penny of that increase came back from the conference committee. That is true throughout the education budget.

We have heard a lot of talk that somehow there is money in this budget, new money for education. Here is the document. Here it is by fiscal year. What it shows is the increase in budget authority and outlays over what is in the so-called baseline is zero. It is zero for 2002; it is zero for 2003; it is zero for every single year.

There were a lot of brave speeches about education being the priority, but it is clearly not a priority in the budget because there is no new money in the budget for education.

It doesn't stop there. Not only is it the case that the defense buildup that we all know is going to be announced, perhaps as early as next week, is not in the budget, the President says education is a priority, but that is not in

the budget. And then we see the President has a meeting at the White House and says he is going to strengthen Social Security but there is no money in the budget for that.

We have an editorial from the *Columbus Dispatch* that says:

The tax-cut proposal works against [the President's] plan to begin privatizing Social Security. . . experts differ on how much this "transition cost" will be, but it won't be cheap. . . thus, the Bush's 10-year, \$1.3 trillion tax cut would deprive the Government of the cash it would need to pay for the \$1 trillion transition cost for the first 10 years of Bush's Social Security privatization plan. The goals are contradictory.

Do you see a pattern? The administration is calling for a major defense buildup but the money is not in the budget. The President says education is a top priority but the money is not in the budget. The President says he is going to fix Social Security but the money is not in the budget.

Why? I think we all know the reason why. Because if the money were in the budget for the defense buildup, if the money were in the budget for the education initiatives, if the money were in the budget to strengthen Social Security, then the budget does not add up. In fact, it would show they are raiding the Medicare trust fund by over \$200 billion. They are raiding the Social Security trust fund by over \$200 billion. That is the dirty little secret of this budget. It is the reason whole chunks of what is really intended have been left out.

Over in the House they had two missing pages. It stalled the budget work for a week. Two missing pages? There is more than two missing pages. There are whole chunks of the real budget that have been left out because they know it doesn't add up.

As we look ahead, it is critical to understand we are in a period of surplus now. These projections of surpluses may hold. They may not. But at least we have a projection of surpluses. We know when the baby boomers start to retire that these surpluses turn to massive deficits. Then the question will be: What did we do when we had the opportunity to prepare for what was to come?

This is what we are doing.

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. CONRAD. I thank the Chair for advising me of the time.

If we go back to the budget that is before us and put back the defense buildup the administration is going to call for and which is authorized in this budget, although the numbers are not included, if we would go back and correct the alternative minimum tax that is going to affect over 35 million taxpayers in this country, one in every four taxpayers who think they are going to get a tax cut but are going to be surprised when they find out they are caught up in the alternative minimum tax and it costs \$290 billion to fix it; if we put in the education amendment that passed on the Senate floor

last week on a unanimous consent basis; if we put in the emergencies that we all know are going to occur that run on average \$5 billion a year; and if we put in the associated interest costs with those items, what we find is that we would be deep into the Medicare trust fund; that we would be deep into the Social Security trust fund.

That is the reason all of those items have been left out—because this budget does not add up.

There has been a lot of talk about reducing the public debt, but the part of the debt they have been talking about is the publicly held debt. It is true, the publicly held debt is going down under this budget. It is going down from \$3.2 trillion at the end of this year to \$800 billion at the end of this 10-year period.

Do you know what? While the publicly held debt is going down, the debt to the trust funds of the United States is going up. As a result, the gross debt of the United States, which is currently \$5.6 trillion, will be \$6.7 trillion at the end of this time. It is very interesting—just about the amount of the tax cut is the amount of additional debt our country will have at the end of this 10-year period.

I believe these are the top six reasons to oppose the budget resolution conference report.

No. 1, no new money for education;

No. 2, unaffordable tax cuts crowd out priorities, especially paying down this national debt;

No. 3, it hides defense spending increases by providing a blank check to the Bush administration;

No. 4, it sets up a raid on the Social Security and Medicare trust funds;

No. 5, it cuts spending for high-priority domestic needs by \$56 billion over the next 10 years. They are \$56 billion short of just keeping pace with inflation, not to mention population growth.

Finally, No. 6, it fails to set aside funds for the long-term Social Security and Medicare reform needs we all understand are before us.

Perhaps it is time to review history. Those who are advocating this budget are the very ones who, back in the 1980s, advocated a similar policy, a policy of a massive tax cut combined with a substantial buildup in defense. What was the result? The result was an explosion of the deficits in the Reagan administration and a further growth of the deficits in the Bush administration. It was only when we had a new administration and a new fiscal plan that deficits started coming down and we began to pay down debt.

Here is the record. It is as clear as it can be. President Reagan came in; he had about a \$80 billion deficit. That exploded to over \$200 billion, with exactly the same kind of economic analysis that has been done and with the same advocates that put in place that plan.

Then the deficit further exploded under President Bush to over \$290 billion. It was only when a new administration came in and we put in place a

5-year plan to bring our fiscal house back into order that we began to reduce deficits, reduce debt, and put this Nation in a position to have the longest economic expansion in our history.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CONRAD. I ask our colleagues to oppose this budget resolution so we do not repeat this history.

The PRESIDING OFFICER. The Senator from New Mexico controls time.

Mr. DOMENICI. Am I correct now, there is no time remaining on the other side and I have how many minutes?

The PRESIDING OFFICER. The Senator has 12 minutes.

Mr. DOMENICI. So our fellow Senators ought to know, we are going to finish in a timely manner and the vote will be sometime after 11:30.

First, I thank all the wonderful staff on both sides of this budget battle. Much more work goes into this than anybody thinks.

In particular, I say to Bill Hoagland, the staff director on our side, and to his staff, thank you so much for all you have done. It has been a great effort.

Mr. President, fellow Senators, those who are listening, this is a budget for prosperity now and prosperity in the future, plain and simple. It is the largest commitment of money for education in our Nation's history. I will go into some details on that momentarily. It keeps our word. Social Security and Medicare are not touched. Their funds are not used.

I know that Senator BYRD said today on the floor that when your mother calls you—implying on Mother's Day—tell her that the Social Security trust fund is being raided, and whatever else he said we should be responding to our mothers on Mother's Day.

I have another response. My mother is not alive. But if she were to call me, I would say: Your Social Security is intact and fully protected. Medicare is fully protected. But also, mother, there is \$300 billion in this budget for prescription drugs and reform of the Medicare program—\$300 billion. The House wanted only \$146 billion. There is \$300 billion to get started on the program. There is \$300 billion that can be used.

I say, in addition to my mother, that this budget is good for me, one of your children, and for the other three children, and for the grandchildren, six of whom are working. I am just describing a family. Do you know that it is good for them, mother? Because we are going to give them back some of their hard-earned tax money. You know they are hurting because of gas prices. They are hurting because of electric bills. Everybody is working on some way to fix that.

But wouldn't it be nice if, in fact, your sons and daughters and grandchildren this year and next year got a very significant tax reduction?

Frankly, I could go on and on as to what this budget does.

But let me suggest that to bring into this debate the subject of Social Security and Medicare is just another part

of the same old argument. Whenever tax cuts for the American people are close at hand and we are going to do something for them, every argument in the world that can be invented from a budget standpoint is offered in opposition. It is a wonder that the American people ever get a tax cut; we have our minds on so many things that we can do with that money.

But we decided today to take about 25 percent of the surplus—it sounds like we are using all of it—about 25 or 26 percent, and give it back to the Americans in an orderly way for such things as child credits, marriage tax penalty, which everybody knows should be done, and marginal rate reductions with bigger cuts at the bottom end than at the top end.

I don't know what else we can do. I believe we have done everything in this budget that you can do in a rational way to make sure that the surplus is handled in a proper manner and that it is there to have the right things feed on it, use it, and get money out of that surplus for things we must have.

I have already disagreed with my friend on the other side. But I don't disagree from the standpoint of his hard work, his own views, and his own opinions. I would not be asking people to vote for a budget resolution that touched the Social Security trust fund. I wouldn't be asking them to vote for one that touched Medicare because it does not. But neither would I ask them to vote for a budget resolution that some would want that would spend all the money instead of having any of it for the taxpayers of America.

We have heard all kinds of ideas of what should be in this budget. If anybody is adding it up and listening to us, I guess you would conclude that the Government of the United States is going to take care of every problem in the United States, and if we just didn't gave the taxpayers back any money, we would be out there solving all of them.

We know that isn't true. This budget is an increase over last year. In fact, I know that the House and the Senate would do it in their own way.

I see the chairman of the House Budget Committee. I want to tell the Senate that I believe on the nondiscretionary side of this budget there is a little bit more than 5 percent over last year they can spend. The House started at 4; the President started at 4. That is \$6.2 billion more we have for education and other things of significance.

I want to close my remarks where I started. This budget is for prosperity. Now, because it has \$100 billion that will go back to the American taxpayers in these next 2 years, this one and the next, and it is a budget for the future because for America to prosper we have to have low taxes and low tax rates. It has been our history that we compete not through government but through innovation, and through people investing their money, time, talents, and working hard. If you have high taxes,

you get less of those things in an economy. That is just it.

Senator NICKLES also told us about how much we are paying in taxes as a group of people, as Americans. It is very high. We are going to reduce it a little bit—not very much; \$1.25 billion over ten years is not very much. In fact, when you look at that as part of the total tax take, what we are going to give back to the American people is rather insignificant.

I close by saying to everyone here: This is your chance today but not the last chance because there is a \$500 billion surplus remaining. But this is your chance to say to the American people before we spend all of your tax money that isn't needed, we are going to give you a little bit of it to be used as you see fit because we trust you. Not only do we trust you, but we think the less you are taxed, the harder you work, and the more you will invest in your life, in productivity, in growth and doing things, and the more you will sit around the family table saying what you can do with your money instead of saying the Government is taking so much of your money.

In conclusion, this has been as tough as it comes. I have been at budgeting for many years. It is tough because there are people on both sides of the aisle, in the White House, and in the House of Representatives, who have their own opinions and nothing was going to change anybody's opinion. A lot of opinions have been changed. There have been many compromises, which is what we have to do to get our work done. This compromise package is the best we can do this year. I believe it is good for our future. I believe the American people, in about 6 months, will say it is a very good budget. And, yes, I believe those wondering where the education money is coming from will be very happy. There will be over an 11-percent or perhaps as much as a 12-percent increase in education with some highlighted at higher increases than that.

I think that is what we ought to be doing. The highest priority on the domestic side is education.

I want to say to President Bush, you didn't get everything you wanted, Mr. President, but I want to compliment you because you have made us change direction. You have moved us in the direction of giving back taxes to the American people rather than giving them the last cut after the debt. They are going to get some of those taxes back now, next year, and the year after. That is a new direction. Mr. President, you ought to be proud of it.

We will implement it in due course, and, frankly, I think that we will all say this was a job well done, as hard as it was.

I close by saying if we don't want to do this now, when will we do it? How much more surplus will we have to have? I believe we have enough surplus that we should leave part of it in the hands of the taxpayers.

I yield such time as I might have.

The PRESIDING OFFICER. All time is yielded.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—53

Allard	Enzi	Murkowski
Allen	Fitzgerald	Nelson (NE)
Baucus	Frist	Nickles
Bennett	Gramm	Roberts
Bond	Grassley	Santorum
Breaux	Gregg	Sessions
Brownback	Hagel	Shelby
Bunning	Hatch	Smith (NH)
Burns	Helms	Smith (OR)
Campbell	Hutchinson	Snowe
Cleland	Hutchison	Specter
Cochran	Inhofe	Stevens
Collins	Kyl	Thomas
Craig	Lott	Thompson
Crapo	Lugar	Thurmond
DeWine	McCain	Voinovich
Domenici	McConnell	Warner
Ensign	Miller	

NAYS—47

Akaka	Dorgan	Levin
Bayh	Dubin	Lieberman
Biden	Edwards	Lincoln
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Byrd	Graham	Nelson (FL)
Cantwell	Harkin	Reed
Carnahan	Hollings	Reid
Carper	Inouye	Rockefeller
Chafee	Jeffords	Sarbanes
Clinton	Johnson	Schumer
Conrad	Kennedy	Stabenow
Corzine	Kerry	Torricelli
Daschle	Kohl	Wellstone
Dayton	Landrieu	Wyden
Dodd	Leahy	

The conference report was agreed to. Mr. DOMENICI. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank everyone who participated in this debate. I believe we have a good product and now we will implement it over the next year.

Once again, I thank everybody who participated on both sides of the aisle. We have a good product. Now everybody can begin to implement it. It means different things to different people, but in the end, it is pretty clear we are going to have a significant tax reduction plan in place. Let's hope, as we work through it, we will get some of the other things that most of us believe are in this budget resolution and see if we can carry them out in the ensuing months.

I thank the ranking member on the Budget Committee for the way he conducted himself, the information he put together, and the knowledge he has obtained. It has been a pleasure working with him. I thank him very much.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I congratulate the chairman of the Budget Committee for his victory today and for the way he has conducted himself. I appreciate the relationship we have. We disagree on this budget, but I have great respect for him as a Senator and as a person.

I also thank the staff on both sides. They worked incredibly hard in these last 2 days, in some cases almost around the clock. I thank my staff director, Mary Naylor, for her extraordinary efforts, Sue Nelson, Jim Horney, and the entire group of budget staffers on our side.

I also want to recognize the professionalism of the staff director on the Republican side. Bill Hoagland is a consummate professional, as are the other members of the staff on the Republican side. We have a very professional working relationship. They have worked very hard to produce this document.

One of the great things about the Senate and the Congress is we will be back. These battles are not over. We have a different sense of what the priorities should be for the country, and we will be speaking out on those issues in the days ahead.

Again, I congratulate those on the other side who prevailed on this vote. I look forward to a continuing debate on what should be the fiscal course for the country.

I thank the Presiding Officer and yield the floor.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The senior assistant bill clerk read as follows:

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Kennedy (for Murray) amendment No. 378 (to amendment No. 358), to provide for class size reduction programs.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

Cleland amendment No. 376 (to amendment No. 358), to provide for school safety enhancement, including the establishment of the National Center for School and Youth Safety.

Biden amendment No. 386 (to amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing school resource officers who operate in and around elementary and secondary schools.

Specter Modified amendment No. 388 (to amendment No. 378), to provide for class size reduction.

Voinovich amendment No. 389 (to amendment No. 358), to modify provisions relating to State applications and plans and school

improvement to provide for the input of the Governor of the State involved.

Carnahan amendment No. 374 (to amendment No. 358), to improve the quality of education in our Nation's classrooms.

Wellstone amendment No. 403 (to amendment No. 358), to modify provisions relating to State assessments.

Reed amendment No. 425 (to amendment No. 358), to revise provisions regarding the Reading First Program.

AMENDMENT NO. 403

Mr. WELLSTONE. Mr. President, I call up amendment No. 403.

The PRESIDING OFFICER. The Senator's amendment is now pending.

Mr. WELLSTONE. I thank the Chair.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. WELLSTONE. I will be pleased to yield for a question.

Mr. KENNEDY. I am wondering if the Senator would like to have a rollcall vote.

Mr. WELLSTONE. I would like to have a rollcall vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Will the Senator be willing to enter into a reasonable time period? It is the noon hour now, just for notice to our Members. We had a good debate on this amendment. It is a very important one. I want to do whatever permits the Senator to make his case again.

Mr. WELLSTONE. I see a unanimous consent request which I think will be fine. I say to my colleague from Massachusetts, like other Senators, I have other amendments to this bill and there will be plenty of time for extended debate later.

This is a good amendment for the Senate to go on record. I am pleased to agree to a time limit.

Mr. President, I still have the floor.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. JEFFORDS. Mr. President, will the Senator yield so I can propound a unanimous consent request regarding the Senator's amendment?

Mr. WELLSTONE. I will be pleased to do so.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that with respect to the Wellstone amendment No. 403, the time between now and 1:45 p.m. today be evenly divided in the usual form, with no second-degree amendments in order. I further ask unanimous consent that the vote occur in relation to the Wellstone amendment at 1:45 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleagues.

Mr. President, first, I will be clear about this amendment. With this amendment, we want to make sure, as we talk about accountability and testing, that this is done the right way. In

many ways this amendment—really, in all ways, this amendment tracks the consensus in the testing community, the work of the Committee on Economic Development, which is the arm of the business community which is very pro-testing.

We are saying a number of things:

First, it is extremely important that this testing that is done—after all, we are talking about testing every year from age 8 through age 13—that this testing that is done meet the criterion that is comprehensive; that is to say, there are multiple measures for any kind of testing that is done in our country. It is terribly important that is done.

Second, it is important that it be coherent, that there is a connection, there is a relationship that the testing actually tests the curriculum and the subject matter being taught. It seems to me that is the very least we can do for our local school districts.

Third, as we continue, it is important we be able to measure progress over time, how these children are doing.

Moreover, this amendment says that States will provide evidence to the Secretary that the tests they use are of adequate technical quality for each purpose for which they are used. It is very important that this be done the right way.

Finally, it says itemized score analyses should be provided to districts and schools so tests can meet their intended purpose, which is to help the people on the ground, the teachers and the parents, know specifically what their children are struggling with so they can help them do better.

I am absolutely amazed that this amendment has not been accepted. I thought there would be a real consensus behind this amendment. The reason I say this is all across the country, in case colleagues have not taken note of this, they are having a very negative reaction to testing being done the wrong way. We have a lot of very distinguished educators at the higher end level saying we ought not rely on the SAT as a single test. We have parents, children, young people—really starting in the suburbs, interestingly enough—who are rebelling. We are having more and more reports coming out that the really gifted teachers, the very teachers we need in the school districts where children are most underserved, are leaving the profession because they do not want to teach to the standardized test; they do not want to be drill instructors.

In addition, there has been, I think, some very important, moving writing that has come out. Marc Fisher, a columnist with the Washington Post, wrote a piece on May 8. The headline is, "Mountain of Tests Slowly Crushing School Quality." I recommend this piece to my colleagues.

What Marc Fisher is saying, on the basis of what a lot of teachers and a lot of parents are saying, is that if you just have the standardized tests, if you do not do this the right way, if you do

not have multiple measures, if you do not have tests that are actually testing the curriculum that is being taught, then what you are going to have all across the country is drill education.

It is a sad sight to see when you have 8-year-olds and 9-year-olds sitting in straight rows—I have seen it on television—and you have a teacher saying: 2 plus 2 is 4; 3 plus 3 is 6; 5 plus 5 is 10. This goes for education, drill education, for standardized tests, for worksheets that have to be filled out. It is educationally deadening, and not one Senator would want his or her children to be taught that way or would want to see a teacher have to teach that way. But if we are not careful, that is what is going to happen.

My understanding is the administration is opposed to this amendment. I am amazed that any education Senator would be opposed to this amendment.

There is another piece that Marc Fisher wrote today which is a real heartbreaker. "Schools Find Wrong Answers To Test Pressure" is the headline. I am just going to quote the latter part of this piece.

Michael West, a professor at Virginia Commonwealth University, tells me that at his daughter's middle school, students who pass this week's tests have been told they can skip the final week of school. There's a great lesson: First prize—you don't learn.

The testing mania has brought with it a tidal wave of mediocre teaching materials. Julie Philips, a teacher who recently moved from the New York suburbs to Montgomery County, says, "Great books are tossed on the heap so that students can practice writing about short, fable-like tales that test prep writers concoct to imitate what is on the tests. It is so disheartening."

Listen to a third-grade teacher who has taught in a Fairfax County school for 30 years. Here are a few of the things she says she has had to eliminate from her classroom since the SOL tests took over the curriculum:

"We would have a whole biography unit. We would read a biography of a famous American. We would talk about the elements of a biography. Then the children would choose a famous American for a report. They would write their own autobiography. Finally, they would write a biography of one of their parents. It really got the children talking to their parents about their lives. I typed this up and bound it as a book which the children illustrated. (I don't have time anymore. I have to teach to the SOLs.)"

"I would teach a poetry unit. We would explore the various forms of poetry and the children would write at least one poem in each of six forms. They would illustrate them and we would bind them as a book. Something for them to keep forever. (I don't have time anymore. We read some poems and picked out the rhyming words so they can pass their SOLs.)"

"I would teach reading twice a day so the children who were behind could catch up. I was able to raise some children by two years in one school year. (I don't have time anymore. I have to teach to the SOLs. I have to teach how to fill in bubbles.)"

Frustrated by the new test-driven curriculum, this teacher has decided to leave her profession. Is that school reform?

I say to my colleagues: Believe me, next week I will have trigger amendments and I will talk about the mock-

ery of not having the resources so these children will have a chance to succeed. But today you cannot even vote for an amendment that would assure quality of testing so we do not drive the best teachers out of the profession?

Mr. REID. Will the Senator yield?

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. Senators are wondering what is going to be happening in the next couple of hours. With the courtesy extended to me by the Senator from Minnesota, the Senator has told me he wishes to speak for another 20 minutes or thereabouts on the amendment that is pending, approximately; is that right?

Mr. WELLSTONE. Approximately. I am not sure exactly.

Mr. REID. The only thing we have, Senator LINCOLN is here. She is going to speak for 15 minutes on an amendment she is going to offer. The opposition would ask for 15 minutes. We wanted to have a couple of votes at about quarter until 2.

Mr. WELLSTONE. I certainly want to accommodate other Senators, but I want to hear the arguments against this amendment. I want people to come out here and debate this amendment. I want to have a chance to respond to those arguments.

Mr. REID. Whatever time the Senator has, they will have that time, and if they choose to speak against it, they certainly can. I am wondering if we could have the Senator's agreement that we could have a couple of votes at quarter to 2. The Senator from Arkansas wishes 30 minutes equally divided on her amendment, which would leave the rest of the time for the Senator from Minnesota.

Mr. WELLSTONE. I am pleased to. I want to reserve 5 minutes before the vote to have a chance to summarize and, I say to my colleague from Arkansas, I will certainly try to finish my initial responses. I certainly would like to know what is the basis of the opposition to this amendment.

Mr. REID. If I may say to my friend from Vermont, I ask unanimous consent that at 1:45 there be two votes, a vote on the Lincoln amendment, which will be offered shortly—there will be a half hour equally divided on that—and there will also be a vote on the Wellstone amendment which is the pending amendment. So the time not used for the Lincoln amendment would be evenly divided for Wellstone and those who want to speak in opposition thereto.

Mr. JEFFORDS. I think I have a unanimous consent request that has a sequence.

Mr. REID. The problem with that is, it asks the Wellstone amendment be laid aside and he wants to finish. Perhaps that may be appropriate. Would the Senator from Minnesota allow the Senator from Arkansas to offer an amendment and speak for 10 or 15 minutes and you have the remaining time until quarter to 2?

Mr. WELLSTONE. Yes. That would be fine. I would be pleased to hear from my colleague.

The PRESIDING OFFICER. The Senator from Minnesota still controls the time.

Mr. REID. We understand that.

Mr. JEFFORDS. Mr. President, will the Senator from Minnesota yield for a unanimous consent request?

Mr. WELLSTONE. I am pleased to yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Wellstone amendment be laid aside and the Senate then turn to amendment 451, and with respect to the Lincoln amendment, the time between now and 1:45 today be equally divided in the usual form with no second-degree amendment in order.

Mr. REID. Reserving the right to object, I ask that be amended to allow the Lincoln amendment one-half hour evenly divided.

Mr. JEFFORDS. Mr. President, I ask that the Lincoln amendment be allowed one-half hour.

Mr. WELLSTONE. I haven't even finished. I am not going to agree to have my amendment set aside right now. I haven't made the case for the amendment. I object. I probably will take another 15 minutes to explain why I think the amendment is so important. Then I would be pleased to yield the floor and we can move to the Lincoln amendment for a while and come back. I certainly don't want to lay the amendment aside right now.

Mr. REID. We are planning on having two votes at 1:45. We will do our best to get to that.

Mr. JEFFORDS. That is something we can work out.

Mr. WELLSTONE. If we would not keep jumping on the floor with the unanimous consent requests, I could be finished in about 8 minutes, and then you can have the floor and we can come back.

Mr. President, I ask unanimous consent that these two pieces by Marc Fisher be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 10, 2001]

SCHOOLS FIND WRONG ANSWERS TO TEST PRESSURE

(By Marc Fisher)

The fifth-grade girl stands in the foyer of Bethesda Elementary School, capsized in tears. "What's the matter sweetie?" a concerned mother asks. "Can I help?"

The girl sobs and sobs. She cannot speak. Finally, she gulps: "I'm a few minutes late, I missed the bus and now I can't go on the playground."

The mother: "They won't let you go on the playground if you miss the bus?"

Girl: "No, not the regular playground. There's a special MSPAP playground, but you can't go on it unless you come on time and bring your special red pen."

It has come to this. The MSPAP—Maryland School Performance Assessment Program—is Maryland's state-mandated standardized test for children in grades 3, 5, and 8.

It is used to compare how well schools perform. It is, therefore, something principals and teachers desperately want students to take seriously.

How desperately? Bethesda Elementary set up a special playground with triple the usual time for students to play and an array of extra games. "If you're on time every day, are here every day, and do your best on the test, you qualify for the MSPAP Playground," says Principal Michael Castagnola. "It's a motivator. The kids get penalized if they miss a day of the test. They know that if you work hard, you're going to have fun."

And if you miss the bus, what happens? "You go to regular recess," the principal says.

Just imagine the ribbing those kids get. No wonder the little girl was weeping.

We don't need to dwell on the cheating scandals that have hit Montgomery schools two years running, as panicky principals and terrified teachers mortgage their consciences to get the scores up at any cost. This week, at Silver Spring International Middle School, the principal and six other staffers were removed after students were given advance peeks at a state math test.

Those cases are clear enough. Let's look instead at the supposedly ethical ways in which schools twist and tweak kids to get them to take the tests seriously.

In Virginia, where the Standards of Learning tests are much more deadening than the relatively creative MSPAPs, Michelle Crotteau, who teaches 10th- and 11th-grade English in Rockingham County in the Shenandoah Valley, administered the test this week with a heavy heart.

Our students are given a five-point bonus on their final grade if they pass the SOL test in each subject area," she says. "So a student with an 89 or B average for course work who passes an SOL earns an A. Last year, I had two students who failed my course because they did not bother to do most of the coursework, yet these students passed the class because of the five added points. Talk about grade inflation!"

Michael West, a professor at Virginia Commonwealth University, tells me that at his daughter's middle school, students who pass this week's test have been told they can skip the final week of school. There's a great lesson: First prize—you don't learn.

In Maryland, there are MSPAP snacks and MSPAP parties. In Virginia, there are entire classes devoted to preparing for the SOL tests. At Carl Sandburg Middle School in Fairfax County, "Friday SOL prep classes have been going on" since the depth of winter, says eighth-grader Ijeoma Nwatu. "We've recently been given worksheets with test-taking skills, vocabulary terms, graphs and stories." On Friday, the children will work on SOL posters, which, they've been told, will boost their self-esteem.

The testing mania has brought with it a tidal wave of mediocre teaching materials. Julie Philips, a teacher who recently moved from the New York suburbs to Montgomery County, says, "Great books are tossed on the heap so that students can practice writing about short, fable-like tales that test prep writers concoct to imitate what is on the tests. It is so disheartening."

Schools are so fearful of performing poorly that some Virginia districts axed the 15-minute recess to cram in more test prep time. "With the pressure of the SOLs, there is no time for recess built into the schedule," Ron Weaver, principal of a Roanoke County elementary school, told the Roanoke Times. Virginia's Board of Education last year finally ordered elementary schools to reinstate a daily recess.

Some schools responded to the board's cry for a bit of common sense by leading kids on

a three- or four-minute walk after lunch and calling it recess. Three minutes! Other grudgingly restoring a 15-minute recess—by cutting the minutes out of physical education class. Gee, thanks.

Supporters of the testing binge argue that teaching to the test is a good thing, because it ensures that schools will eliminate unnecessary frills and focus on essentials—the reading and math skills that the tests measure.

That one-size-fits-all approach is driving parents nuts in schools where kids are achieving; their kids are losing out on creative lessons and enriching activities because bureaucrats insist that all schools act identically.

But the notion that we must do this for low-achieving students is equally flawed; they need inspiration and individualized attention even more than kids from privileged backgrounds.

Listen to a third-grade teacher who has taught in a Fairfax County school for 30 years. Here are a few of the things she says she has had to eliminate from her classroom since the SOL tests took over the curriculum:

"We would have a whole biography unit. We would read a biography of a famous American. We would talk about the elements of a biography. Then the children would choose a famous American for a report. They would write their own autobiography. Finally, they would write a biography of one of their parents. It really got the children talking to their parents about their lives. I typed this up and bound it as a book which the children illustrated. (I don't have time anymore. I have to teach to the SOLs.)

"I would teach a poetry unit. We would explore the various forms of poetry and the children would write at least one poem in each of six forms. They would illustrate them and we would bind them as a book. Something for them to keep forever. (I don't have time anymore. We read some poems and picked out the rhyming words so they can pass their SOLs.)

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Frustrated by the new test-driven curriculum, this teacher has decided to leave her profession. Is that school reform?

[From the Washington Post, May 8, 2001]

MOUNTAIN OF TESTS SLOWLY CRUSHING SCHOOL QUALITY

(By Marc Fisher)

Those who say the culture wars are over must not have children of school age. The struggles that have divided the nation for 20 years—the phonics fracas, the New Math mess, the tiff over teaching morality—pale next to the brewing battle over testing.

Just as President Bush and Congress reach consensus on mandating even more testing for the nation's children, colleges by the dozens step away from the SATs as a primary arbiter of who gets in. Just as parents in poor schools rally to use standardized tests to rid themselves of incompetent teachers, parents in more affluent schools stage boycotts of the very same tests.

And just as D-Day looms for high-stakes testing programs like those in Virginia and Maryland that will deny diplomas to kids who flunk the tests, parents and teachers alike raise the alarm about classrooms where creativity, variety and inspiration are becoming dirty words.

In Montgomery County, students reel under the burden of 50 hours of testing each

year, including the state-mandated MSPAPs, three other state test programs and the county-imposed CRTs. The 50 hours doesn't include PSATs, SATs or Advanced Placement tests. Now, if Bush has his way, there'll be nationally required tests as well.

In Virginia, the load is lighter, but the grumbling just as heavy, especially as we near 2004, when thousands of seniors will be denied diplomas if they fail the Standards of Learning tests.

In wealthy Scarsdale, N.Y., more than half of the eighth-graders stayed home during last week's state testing, capping a boycott organized by parents fed up with testing and its pernicious deadening impact on their kids' education.

In the District, a relative handful of parents—based in affluent Northwest Washington—attempted a similar boycott of last month's exams.

Caleb Rossiter, who teaches statistics at American University, led the boycott, keeping his first-grader home from Key Elementary in the Palisades. "My son has had a whole series of Stanford-9 prep days at school, when they work over and over on multiple choice questions and how to fill in the bubbles correctly," he says. "If you could see how they waste students' time with all this test prep—it's so disheartening."

Rossiter approached everyone from his son's teacher on up to Superintendent Paul L. Vance, asking why first-graders, many of whom can barely read, should be subjected to testing. "Everyone I talked to said there's no educational justification for this," Rossiter says. "They use the tests to grade the teachers and the principal, which everyone agrees the tests were not designed to do."

As a statistician, Rossiter likes tests. He understands how useful they can be in diagnosing learning problems. But he and those who write the tests are offended by their misuse—even as those companies rake in millions in the nation's testing binge.

Tests that were never meant to do anything of the sort are now used to determine teacher pay and to judge the quality of schools. Even though research has repeatedly shown that affluence is the strongest indicator of test success, scores are now used to declare some schools losers and others—such as the Prince George's County schools yesterday—winners.

The most corrosive effects of this measurement mania are the emerging class and racial divisions over testing. "It just breaks my heart when I see parents stand up and cheer when they hear that some number of kids in their school have had their scores drawn up above Below Basic on the tests," Rossiter says. "They don't see what the effort to bring up the scores is doing to the curriculum."

They don't see the dispiriting effect of scrapping art, music and physical education because they are not on the tests. They don't see the minds that go uninspired because teachers must forsake their craft to focus like drones on getting the scores up.

"Testing is even more damaging in low-income schools because that's where you need the most creative teaching," Rossiter says.

But testing is a lot cheaper than paying teachers a decent wage, and testing makes politicians look tough, so we will test and test. And one day, we will look up and see how we have crushed our schools, and tests—which when used properly have lifted the educational fortunes of many poor and middle-income children—will end up the culprit, and the pendulum will swing to the other extreme, zipping right past the happy medium.

Mr. WELLSTONE. Mr. President, let me explain what this amendment does.

By the way, so we can be clear we already know—I am going to summarize—we actually already know which children are doing well and which children are not doing so well. Children who come from families who are low income, where they do not have the same opportunities other children have for the very best developmental childcare, children who attend schools that don't have anywhere near the same resources that more affluent schools have, children who live in inadequate housing and all too often their parents move two or three times during the school year, children who are in schools where sometimes during the school year there are two or three or four teachers who come in and try to teach and can't, and who do not have the best teachers, students who are in schools where the teachers don't make nearly the salaries and don't have nearly the access to technology, we already know these children are not going to do well on these tests. We already know.

Actually, what we are going to do—and I will speak more about this next week—is something that is incredibly cruel. We are going to fail these children again because all of this authorization is fiction. We have no agreement on any resources. We just had a budget that gives instructions to appropriators, which means we are going to have but a pittance.

I will have a particular amendment next week that says we do the testing when we live up to the Dodd amendment and fund title I at that level.

By the way, when we are talking about these children and about full funding over 10 years, why are we waiting 10 years, I ask my colleagues. If a child is 8 years old now, 10 years from now when we fully fund these programs, although we don't have any commitment to do so yet, that child will be 18. Childhood is once. You don't recover your childhood. Why aren't we helping these children now? Where in the budget are the resources to help these children now? Where is the commitment to help these children now? Instead, you are going to have people pounding their chests saying they are all for accountability.

These tests don't do a thing when it comes to getting a good teacher, when it comes to a smaller class size, or when it comes to making sure children come to kindergarten ready. None of that is accomplished.

I say to my colleagues, at the very minimum let's at least not drive out good teachers. Let's not make the mistake of discouraging the very best women and men from going into teaching. Let's not drive out good teachers by forcing them to be involved in drill education where they basically are having to teach the tests and that is all that it is about and no more. So they drop social studies, they drop music, they drop theater, and they drop art. None of it is tested.

This amendment says we make the commitment that these tests around

the country, if we are going to talk about accountability, are comprehensive. Don't use just one measurement. In addition, they are coherent. They are a measurement that the curriculum is being taught, that they are continuous, and we can see how a child is doing over a period of time.

We are saying the States need to provide evidence to the Secretary that the tests they use are adequate and of technical quality for each purpose for which they are used. Why wouldn't you want to go on record making sure we have the high-quality tests used for the purposes for which they are supposed to be used?

Finally, the itemized test scores are provided to the schools so the parents and others know where the children are struggling and how they can do better.

I am telling you, if we don't do this, there are two things that are going to happen. First of all, you are going to have either a lot of children who are going to be held back or put into lower reading groups or math groups or whatever or you are going to have a lot of schools that are going to be identified as failing schools on the basis of single standardized tests.

We all draw from our personal experience. I can certainly tell you that based upon my own personal experience. I am glad that many more schools are looking at more than SATs. I wasn't supposed to graduate from the University of North Carolina based on SAT scores. I worked hard and did great. I wasn't supposed to be a graduate of graduate school on the basis of SAT records. I was lucky enough to get a doctorate degree at age 24.

These tests are not always accurate. Why in the world would you want to defy what every single person in the testing field says—that you should never rely on a single standardized test. You must have multiple measures.

I know there are some students and perhaps some teachers in the gallery today.

The second thing that is going to happen is you are going to drive out the best teachers. You are going to make it impossible for the very communities, the very schools, and the very kids who need the best teachers to get the best teachers because you are going to channel everybody down the road of having to teach the standardized test, to teach the test. What could be more educationally dead?

By the way—I will finish on this—I will have a lot to say about this bill next week. I will spend a lot of time saying it.

First of all, we ought to get the testing right.

Second, without the resources, it is a mockery. It is an absolute mockery. We already know what works and what doesn't work. All we have to do is look at the schools that our children and our grandchildren attend. That is all we have to do.

The schools that Senators' children and grandchildren attend are good

schools. They are beautiful. They are inviting. The landscape is lovely. The teachers are highly paid. The classes are small. They don't do drill education. It is exciting and rewarding. And our children and grandchildren, before kindergarten, have been read to widely, know the alphabet, and know computers. They are sophisticated and are ready to learn.

We already know we don't need tests to tell us what works. All we need to do is live up to our own rhetoric and be accountable. We will not be accountable if we jam down the throats of every school district in every State in the United States of America a test without at least some standards to make sure they are high-quality tests that do not lead to what will only be a disaster for education, for these children, and for their teachers. We will not be doing our job if we do not provide the resources to go with the accountability.

Today in this amendment I am focusing on the quality of testing. I would love to find out why—I had the understanding there was strong support for it. Now I understand there isn't. I would like to know in what ways the administration disagrees with this amendment.

I yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Wellstone amendment be laid aside, and the Senate then turn to the Lincoln amendment No. 451, with 15 minutes under the control of Senator LINCOLN and 5 minutes under the control of Senator JEFFORDS, with no second-degree amendments in order, and, further, following that debate, the remaining time until 1:45 be divided equally on the Wellstone amendment.

I further ask consent that the vote occur in relation to the Lincoln amendment following the Wellstone amendment at 1:45 p.m. today, with 2 minutes prior to the vote for explanation.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, the Senator from Minnesota is in the Chamber. That would give the Senator from Minnesota approximately 50 minutes in additional time to debate the amendment.

I ask the Senator, would that be sufficient?

Mr. WELLSTONE. Mr. President, I actually, first of all, am pleased to speak after the Senator from Arkansas. Second of all, as far as time that I need, I said what I needed to say. I am just interested in what in the world is the opposition to a high-quality testing amendment? I would like to hear what it is people have to say in opposition. So I only need time to respond.

If the Senator from Vermont, and others, support the amendment—which I hope they will—I do not need to respond. If other Senators don't want to come to the Chamber and debate, then there is no one to respond to, so I will

not need a lot of additional time. I already said what I needed to say on this amendment.

Mr. REID. Further reserving the right to object, Mr. President, it is the understanding of the two managers of the bill—one of whom is not here—on these two amendments there would be no second-degree amendments?

Mr. JEFFORDS. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I say to my friend from Vermont, the Senator from Arkansas is on her way to the Chamber. She will be here momentarily. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 451 TO AMENDMENT NO. 358

Mrs. LINCOLN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 451 to amendment No. 358.

Mrs. LINCOLN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding, and authorize appropriations for, part A and part D of title III of the Elementary and Secondary Education Act of 1965)

At the appropriate place, add the following:

SEC. 902. SENSE OF THE SENATE; AUTHORIZATION OF APPROPRIATIONS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should appropriate \$750,000,000 for fiscal year 2002 to carry out part A and part D of title III of the Elementary and Secondary Education Act of 1965 and thereby—

(1) provide that schools, local educational agencies, and States have the resources they need to assist all limited English proficient students in attaining proficiency in the English language, and meeting the same challenging State content and student performance standards that all students are expected to meet in core academic subjects;

(2) provide for the development and implementation of bilingual education programs and language instruction educational programs that are tied to scientifically based research, and that effectively serve limited English proficient students; and

(3) provide for the development of programs that strengthen and improve the professional training of educational personnel who work with limited English proficient students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out part A and part D of title III of the

Elementary and Secondary Education Act of 1965—

- (1) \$1,100,000,000 for fiscal year 2003;
- (2) \$1,400,000,000 for fiscal year 2004;
- (3) \$1,700,000,000 for fiscal year 2005;
- (4) \$2,100,000,000 for fiscal year 2006;
- (5) \$2,400,000,000 for fiscal year 2007; and
- (6) \$2,800,000,000 for fiscal year 2008.

Mrs. LINCOLN. Mr. President, before I begin, I ask unanimous consent to add as cosponsors to the amendment Senator BINGAMAN and Senator KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Thank you, Mr. President.

Before I describe the specifics of my amendment, I want to take just a few moments to commend Senators JEFFORDS and KENNEDY for their tireless efforts in crafting the bipartisan proposal that is before the Senate today. As someone who works hard to bridge the partisan divide in Washington, I think each Member of this body owes the managers of this particular bill a debt of gratitude for bringing Senators with very different points of view together to find common ground on the most important bill we will likely consider this year.

They have done an excellent job. They have worked tirelessly together. I certainly commend both of them for their good manners and for the diligence with which they have gone about this very important issue. They have demonstrated real leadership in this debate by placing the education of our children above partisan advantage. I am proud to join this bipartisan effort to reform our system of public education by helping States and local school districts raise academic achievement and deliver on the promise of equal opportunity for all students.

I think the way this bill has been brought up also accentuates the opportunity we have to move in a timely way. As the mother of small children who will start kindergarten this fall, I certainly understand that the more time we waste in addressing this critical issue, the more at risk we put more and more young people across this Nation of not being able to achieve their goals.

So I am pleased to note that the bill before us reflects many of the priorities that are important to me and the 500,000 elementary and secondary students in my State of Arkansas. As many of my colleagues know, I have worked with Senator LIEBERMAN and other new Democrats over the last 18 months on a bold ESEA reform proposal known as the three R's bill. Our bill took a new approach to Federal education policy by combining the concepts of increased funding, targeting, flexibility and accountability to help our school districts meet higher standards.

If there is one thing we have come to know about education, it is that you do not get something for nothing. We have to make a priority in this Nation of in-

vesting in education. This bill and this session gives us that opportunity to meet the mark and to actually do what it is we say we want to do.

One fundamental component of our plan, which is also a part of the BEST bill, is a commitment to give States the resources they need to help all limited English proficient students attain proficiency in the English language and achieve high levels of learning in all subjects.

The amendment I offer today recognizes that we aren't doing enough at the Federal level to provide the vast majority of LEP students in this Nation with the educational services they need to be successful under this new framework. This year, we will spend \$460 million to serve LEP and immigrant students but only 17 percent of eligible children will benefit from these programs.

My amendment calls on Congress to appropriate \$750 million for language instruction programs and services in fiscal year 2002. Also, my amendment would authorize additional funding over the next 6 years so all LEP and immigrant students could receive services under title III within 7 years. Under this approach, funding will be distributed to States and local districts through a reliable formula based on the number of students who need help with their English proficiency. It is so essential, if we are going to ask these students to meet the performance standards in our schools, that we indicate we have left the status quo of education in this country and have moved beyond to the 21st century. We must give them the tools in order to do so.

If you have visited many schools in your States lately, you have probably heard about the challenges schools and educators face in serving the growing number of students in need of LEP programs. From 1989 to the year 2000, the enrollment of limited-English-proficient students in our Nation's schools grew by 104 percent, from 2 million to an estimated 4.1 million today. During this same time period, total school enrollment grew only by 14 percent.

My State of Arkansas is a prime example of the trend that is occurring across this great Nation, especially in Southern States. According to the most recent census estimates, the Hispanic population in our State of Arkansas grew 337 percent since 1990, which is believed to be the largest percentage of growth in the Nation. Not surprisingly, the number of LEP students in Arkansas has increased dramatically in recent years as well. Since 1994, the number of LEP students enrolled in Arkansas public schools has increased by 80 percent, from 2,172 students to 10,599 students today.

Other States have experienced a similar increase in the number of students in need of services under title III. Between fiscal year 1999 and the year 2000, the percentage of immigrant students grew dramatically in the following States: Connecticut by 72 percent; Georgia by 39 percent; Louisiana

by 34 percent; Michigan by 35 percent; Missouri, our neighboring State to the north, grew by 50 percent; Oregon by 28; Tennessee by 33 percent; and Utah by 38 percent.

The need to do more to serve these students and the educators who are responsible for teaching them is clear. Providing more resources alone won't bring about reform or help close the achievement gap which persists between LEP and non-LEP students. Under the BEST bill, States will have to establish and meet annual performance goals for LEP students or face sanctions. In addition, all LEP students must attain the State's proficient level of performance within 10 years. This is a new approach that represents an important change from the past where too often low expectations for LEP students and immigrant students has resulted in low performance in the classroom. Our Nation and its economy cannot tolerate that approach to educating our children any longer.

In closing, I hope my colleagues will support my amendment which expresses a strong commitment to enhance educational opportunities for LEP students by increasing and distributing Federal resources for LEP programs in a reliable way and requiring LEP and immigrant students to meet higher standards. If we are going to ask these students to master English and meet the same challenging State content and student performance standards that all students are expected to meet, which we must do under this bill, then we need to provide States and local school districts with the resources they need to meet this new challenge.

I thank all of my colleagues for their support and encourage their vote in favor of the amendment. Attention to this issue is growing in so many of our States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold, please.

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 403, AS MODIFIED

Mr. WELLSTONE. Mr. President, I really will not need to take much more time. In a few moments, I am going to ask unanimous consent to modify my amendment. There isn't anything I have said that I would change. I just think part of the disagreement, at least with the Senator from Vermont, was more semantics. I am intending the quality of testing language here to apply to this act, this piece of legislation, this reauthorization of the ESEA.

I haven't resolved this one way or the other yet. In my own mind, I have a

question as to whether or not the Federal Government ought to be telling the school districts—I really mean this—in States across the country that you will do this testing, and you will do it every year in grades 3, 4, 5, 6, 7, and 8 with every kid. That is a philosophical question.

The second concern I have is that in terms of our involvement and the ways in which schools are going to be measured and accountability is going to be defined, I want to make sure we have the necessary language that deals with quality, and again I, in particular, would emphasize the importance of comprehensiveness, multiple measures, and coherence, tests measuring the curriculum and what is being taught, and that it is continuous so that we see how children are doing over time.

I don't know how other Senators will vote, but I am certainly pleased to have had the discussion with my colleague from Vermont.

I send my amendment to the desk and ask that the amendment be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 403), as modified, reads as follows:

On page 46, strike line 19 and replace with the following:

“assessments developed and used by national experts on educational testing.

“(D) be used only if the State provides to the Secretary evidence from the test publisher or other relevant sources that the assessment used is of adequate technical quality for each purpose required under this Act, and such evidence is made public by the Secretary upon request.”

On page 46, line 20, strike “(D)” and insert “(E)”.

On page 51, between lines 15 and 16, insert the following:

“(K) enable itemized score analyses to be reported to schools and local educational agencies in a way that parents, teachers, schools, and local educational agencies can interpret and address the specific academic needs of individual students as indicated by the students' performance on assessment items.”

On page 125, between lines 4 and 5, insert the following:

SEC. 118A. GRANTS FOR ENHANCED ASSESSMENT INSTRUMENTS.

Part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1117 (20 U.S.C. 6318) the following:

“SEC. 1117A. GRANTS FOR ENHANCED ASSESSMENT INSTRUMENTS.

“(a) PURPOSE.—The purpose of this section is to—

“(1) enable States (or consortia or States) and local educational agencies (or consortia of local educational agencies) to collaborate with institutions of higher education, other research institutions, and other organizations to improve the quality and fairness of State assessment systems beyond the basic requirements for assessment systems described in section 1111(b)(3);

“(2) characterize student achievement in terms of multiple aspects of proficiency;

“(3) chart student progress over time;

“(4) closely track curriculum and instruction; and

“(5) monitor and improve judgments based on informed evaluations of student performance.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section \$200,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

“(c) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to States and local educational agencies to enable the States and local educational agencies to carry out the purpose described in subsection (a).

“(d) APPLICATION.—In order to receive a grant under this section for any fiscal year, a State or local educational agency shall submit an application to the Secretary at such time and containing such information as the Secretary may require.

“(e) AUTHORIZED USE OF FUNDS.—A State or local educational agency having an application approved under subsection (d) shall use the grant funds received under this section to collaborate with institutions of higher education or other research institutions, experts on curriculum, teachers, administrators, parents, and assessment developers for the purpose of developing enhanced assessments that are aligned with standards and curriculum, are valid and reliable for the purposes for which the assessments are to be used, are grade-appropriate, include multiple measures of student achievement from multiple sources, and otherwise meet the requirements of section 1111(b)(3). Such assessments shall strive to better measure higher order thinking skills, understanding, analytical ability, and learning over time through the development of assessment tools that include techniques such as performance, curriculum-, and technology-based assessments.

“(f) ANNUAL REPORTS.—Each State or local educational agency receiving a grant under this section shall report to the Secretary at the end of the fiscal year for which the State or local educational agency received the grant on the progress of the State or local educational agency in improving the quality and fairness of assessments with respect to the purpose described in subsection (a).”

Mr. WELLSTONE. Mr. President, I want to hear from my colleague from Vermont. Sometimes when I feel particularly indignant—and I do right now about where we are heading with this bill, and I have a Senator on the floor whom I respect and like to work with, I don't want the Senator from Vermont to think this is aimed at him.

My third concern, which I will talk about next week, is that we are just going to kind of keep these children thin when it comes to prekindergarten and what is being done for them, and keep them thin when it comes to the additional title I help, which could be pre-K, or extra reading help, or after school, and we are going to keep them thin when it comes to whether or not their schools have the resources and they are able to get the best teachers; and then we are going to put them on the scale, test them, and fail them again.

This doesn't work. The “accountability” without resources doesn't work. But at least this amendment deals in part with the accountability piece, which is to make sure we don't confuse accountability and testing and a single standardized test as one and the same thing. It is not.

So in the spirit of improving this bill, I hope there will be support for this amendment. I thank my colleague

from Vermont for his very useful suggestions. As I say, next week I am going to have some amendments that are going to say, basically, put up or shut up. We voted for the title I authorization—not money. So at least let's not do this testing until we in fact fund it. I am going to have amendments that say that, and I am going to talk about the funding of prekindergarten. If you are going to start testing 8-years-olds, I guarantee you what has much more to do with what 8-year-olds do in school is what happens to them before kindergarten. That is absolutely true. That is what is so wrong about the direction in which we are heading. I will speak about that at great length next week.

I yield the floor.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to comment briefly on Senator WELLSTONE's willingness to modify his amendment. We all agree we want high-quality tests, and it is entirely proper the tests required under this act be demonstrably valid and reliable. I appreciate the Senator offering his amendment, and I believe it is vastly improved. Hopefully, it will be acceptable.

The Senate now has returned to consideration of the Better Education for Students and Teachers, called the BEST, Act. We have now spent a little over a week on this bill, and we have made good progress. We have disposed of about a dozen amendments, and we have eight that are pending, most of which I hope we can complete action on quickly.

As my colleagues know, consent was reached that first-degree amendments were to be filed by 5 p.m. yesterday, and I want to bring my colleagues up to date as to those results.

I compliment my colleagues for their interest and industry in preparing the amendments. Somewhere around 280 amendments were filed to the bill. Of course, this number does not include possible second-degree amendments that could be allowed under the rules.

At our current base of 20 amendments a week, we would complete this legislation, say, in another 14 weeks. Obviously, that is about the time we intend to adjourn for the year, if we assume we did not do anything else. Assuming the Senate takes up no other business and all amendments are offered and everybody is happy, that would be fine. Obviously, that is not the case. I urge all my colleagues to make sure when we get back into the amendment process after today that

they cooperate so we can narrow these amendments and hopefully consolidate many of them, or whatever, so we can finalize this bill within the next week or 2.

I hope my colleagues will reflect on what is really important to them and this legislation and communicate to Senator KENNEDY's staff or my staff which amendments they want considered.

At a minimum, I urge my colleagues to restrict themselves to education amendments. I advise my colleagues that I plan to oppose all amendments that are not relevant to the bill regardless of the merits of the particular proposal.

We will obviously have our hands full completing action on this legislation without undertaking debate on largely unrelated issues.

Senators rightly have taken a great interest in this legislation and have proposed hundreds of amendments to the bill. We will do our very best to work with Senators to clear as many amendments as possible and, in turn, will ask our colleagues to identify over the next few days which amendments are their highest priority.

As we move on today, hopefully Members will let us know which amendments they want to pursue so we can narrow the number as soon as possible without having to bother Members with calling up amendments.

I urge my colleagues to please let us know which amendments they really want to have offered, and we will try our best to expedite them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, first I want to say I am very hopeful that the Senate will overwhelmingly support the amendment of the Senator from Minnesota, Mr. WELLSTONE. He spoke very clearly and effectively about his presentation today. I made comments yesterday about the importance of developing a test which is going to be comprehensive and not just reflective of perhaps the simple rote answers to rote kinds of questions, but real examinations of the thinking process of children and where they need help and assistance.

The purpose of this legislation is to provide valid and reliable tests along with meaningful reforms that enable children to move ahead academically.

That is what we want to try to do with the whole range of tests. We have enough experience now of knowing which ones really can be used for instruments for learning as compared to those which are solely punitive. In too many instances, teachers teach to the

test. In this way, we both fail the student, fail the test, fail the school, and fail the parents.

Senator WELLSTONE's amendment is enormously important. As I tried to point out yesterday, I think the kind of thoughtful examination by those who have been in the field for years in terms of the evaluation, as well as testing, have come to the conclusion that the more comprehensive examination of children done in a timely way and with the supplementary services available can be a very powerful instrument in helping needy children move ahead academically. I am hopeful that will be accepted by the Senate.

I want to say a strong word in support of Senator LINCOLN's amendment in terms of the bilingual education.

One of the themes of this legislation is to try to find out what the challenges are in our local communities but also what works in our local communities in terms of educational achievement and build on that; also, to take that experience, and make sure that the children who ought to be covered in title I will be covered. This amendment is a no-brainer.

If we look at the legislation that we currently have without the acceptance of the Lincoln amendment, we will be denying millions of limited English proficient children the key element in terms of increasing their academic ability with high quality, effective programs in Title III. We are not prescriptive. We give the local communities the choices in terms of the bilingual and language instructional programs that will be available to the schools and to the local communities in terms of helping children who are limited English proficient. Local communities can make judgments and decisions as to which program is suitable for their particular community.

There is a wide range of different evaluations of these programs to demonstrate the ones that have been the most successful. All of that will be available to the local community. What is important is that those services be available to those children. Without those services being available to those children, then we are basically failing those children. It is a very clear group of children that we are failing.

The number of children who fall into the limited English proficiency has virtually doubled over the period of the last 10 years, and is increasing daily. These students are making up a growing number of district's total enrollment. In 9 states the limited English proficient population has grown by 25 percent or more since 1995.

The amendment of the Senator from Arkansas recognizes this growth, and responds to it. It says: Look, we know what works for the local communities. We know that schools throughout the nation have been struggling to serve this population.

For a certain period of time, we thought the only language was going to be Spanish, and that it was just

going to be in Florida, Texas, and California. But we know of the expansion of and the need for these programs in many other areas of our country, including Arkansas, as the Senator has pointed out.

On this chart, the red line shows that the limited-English-proficiency enrollment has increased by 100 percent in the last 10 years, while total enrollment has basically been rather flat over that period of time.

What we also know is, if we do not provide these programs, effectively, these children, almost out of definition, are going to fail in terms of new accountability and testing standards. That, we know. That is a given.

The question is—here, this afternoon, in a few minutes—whether we are going to go on record and say, look, this is a particular group of children who are part of our public school systems—as a result of a variety of factors; the changes in immigration patterns, the changes in our immigration laws—who need assistance.

There are many children who are falling into this category. We know, as sure as we are standing in this Chamber today, that if we do not adopt the Lincoln amendment, we are denying millions of children the kinds of benefits that we know are successful because they have demonstrated success.

I have a number of examples where we have seen local communities that were able to participate in programs, such as what would be included in the amendment of the Senator from Arkansas. They have seen dramatic changes in their whole academic attitude. The result is that these children have really blossomed with those kinds of programs. Without them, we are going to be reaching only a very small number of these children who would otherwise be eligible—only 17 percent under the Bush budget. Over the 4 million limited English proficient students nationwide, we are only serving 900,000 at the present time. We aim to serve more. But we need the resources.

We are hopeful, with this legislation, to try to build on tried and tested efforts that have been initiated in different parts of the country and that have been demonstrated to be constructive and productive in enhancing academic achievement—to offer these out to local communities, to let local communities make these decisions. We have given them additional kinds of flexibility. Then we would have accountability in terms of the teachers, in terms of the schools, in terms of the parents, and also new accountability for disadvantaged children who are facing enormous kinds of challenges every single day. Many students struggle with learning English, and meeting challenging academic standards.

If we are really interested in getting a fair start for these children, if we are really interested in no children being left behind, we have, we believe, a program that can do that. But if we do not provide the kinds of targeting assist-

ance with these programs for children who have the limited English proficiency, then effectively we are writing them off, make no mistake about it.

That is what is at stake. That is what is so important.

If we are really interested, we ought to recognize that this is a defined group of children who we have in our schools, and we ought to make sure the children are going to benefit from these programs.

The red line on the chart—which brings us up to the year 2000—shows that the limited English proficient population now numbers more than 4 million students. That number is going to continued to grow. So the question is, Are we going to recognize what is happening in our schools today—what has happened over the last 10 years and what is going to happen in the next 5 years? If we are really interested in trying to make sure these children are not going to be left behind, this is the amendment that can make a major difference.

I congratulate the Senator from Arkansas. I think this is one of the most important amendments we will consider. It is a lifeline in many respects. It is the crutch upon which the other provisions in Title III of this legislation really depend. If we do not provide resources for this program, then the other aspects of this legislation are going to, fail millions of children. That is wrong.

We ought to take what we know. The good Senator from Arkansas has done that and has offered us an opportunity to make this legislation even stronger. We saw a modest increase in our authorization coming out of the committee. But that increase is clearly not enough to do the job. The Lincoln amendment will do the job. I am very hopeful that it will be accepted in the Senate.

Mr. President, whatever time I have remaining, I am glad to yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey has 9½ minutes.

Mr. TORRICELLI. Mr. President, I thank the Senator from Massachusetts for yielding.

In the last few weeks this Senate has begun to focus on what is, by any measure, the most pressing issue before the country; and that is simply the quality of education for America's schoolchildren.

It is a quality-of-life issue. It is an economic issue. It is even a national security issue. A great nation cannot long endure in its position if the quality of education for its children is not paramount. You cannot lead economically, socially, culturally, or even militarily for long if you do not lead in the quality of education for your children.

This reality, I believe, has focused the Senate's attention on funding standards and quality of education. I believe the debate has been promising. The Senate adopted the Dodd amend-

ment to authorize a \$132 billion increase over 10 years in title I aid to poor schools. Currently, the Federal Government provides school districts with only one-third of the assistance for which they are eligible. Under the Dodd measure, by 2011, they will receive 100 percent of the assistance they both need and require.

The Senate adopted the Harkin amendment to meet our Federal commitment to special education by guaranteeing \$181 billion over 10 years for IDEA. This program was enacted by Congress in 1975. The Federal Government promised to pay 40 percent of the per-pupil cost. The reality is, for the year 2000, we have paid simply 13 percent.

The Harkin amendment will make an enormous difference to local school district budgets where the share of the special education funding has increased from 3 percent to 20 percent in total cost since 1975.

But also, I believe that the bill itself—before amendment—does have the underpinnings of genuine reform. The Bush administration's plan does include an emphasis on accountability, standards, and testing. If these provisions of accountability are married with meeting a genuine Federal commitment on special education, training, hiring teachers, and special education, then the Senate can be proud of this legislation. Indeed, to date, we have done exactly that.

Now we turn to the question of construction, the quality of these schools themselves. Most Americans in their communities would not believe what many of us have seen in our States, that in this extraordinary time of American prosperity, economic power, and budget surplus, American students are attending class in gymnasiums, trailers, and hallways. I have seen it in New Jersey, in prosperous communities. It is not a proud statement about our country.

Mr. President, 2,400 schools will have to be built in the next 2 years just to accommodate rising enrollments.

Education reform will be incomplete without dedicating this funding. No standard of accountability or testing will mean anything—indeed, even hiring teachers will mean little—if we do not do something about the quality of the schools themselves.

As strongly as I believe in the building of schools, even that must be complemented by doing something about the human capital, our teachers, for it to be a balanced piece of legislation.

This week we passed the Kennedy amendment which authorized \$3 billion for professional development. By combining professional development with class size reduction, this bill, however, will be jeopardized without keeping the commitment of the Clinton administration to hire 100,000 new teachers. I believe there was nothing more significant accomplished in the Clinton administration than the hiring of these new teachers to reduce class size.

In the Nation, we have hired 30,000 towards that national goal. In my State of New Jersey, 1,500 new teachers are at work today who would not be in place, reducing class size, but for this initiative.

A balanced program in the Senate will have accountability; it will construct new classrooms. But it must also reduce class size. Every study that has ever been chartered has made it clear that the single greatest variable in the quality of education is having more teachers teaching fewer students. Overcrowded classrooms are a direct threat to the ability of our children to learn. We must take disadvantaged students and have them engaged in the classroom to increase performance.

An important element is going to be not only recruiting but also retaining teachers who otherwise are leaving the classroom, who can only be retained by improvements in discipline, but also easing the burden by smaller class size and, of course, by compensation.

In the next decade in New Jersey, more than one-third of our 93,000 teachers are going to retire. It is going to happen. It is a clock that is ticking. Nationwide in the next 11 years, 2.4 million teachers will retire.

As I believe this debate has demonstrated, we have moved beyond a partisan debate. The most significant element in this education discussion is that Democratic and Republican ideas are now being melded together. It is a great moment for the Senate. If we can preserve the Clinton administration's efforts at hiring new teachers to reduce class size, combine the efforts of Democrats in the Senate for school construction to improve the quality of the infrastructure, and take the Bush administration's proposals for accountability and testing and discipline, this Senate can be proud of what we have done. The Harkin and Dodd amendments on special education, on title I, on full funding of IDEA are important beginnings. But it is in the balance whether good legislation can now be made great, reducing class size, constructing the schools that America's children need and deserve.

I believe every Member of the Senate can be proud of this debate to date. Now let's finish and make a good bill great.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Fifty seconds.

Mr. KENNEDY. Mr. President, both the Wellstone and Lincoln amendments are very important.

One is to make sure we have quality testing that reflects an accurate evaluation of the progress children are making and where the needs are so teachers can work on them and so the children can excel. The other is to make sure the programs are made available to the children who need the

kind of assistance that limited-English programs provide and that has been demonstrated to be effective. We are talking about the neediest children in the country. We are talking about the poorest of the poor, living in enormously trying circumstances, who are trying to understand and make academic progress. Let's make sure that all the support will be there for them.

I believe the yeas and nays have been asked for, Mr. President.

The PRESIDING OFFICER. They have.

The Senator from Tennessee has 11 seconds.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, my understanding is we will have a vote at any moment.

The PRESIDING OFFICER. The Senator is correct.

Mr. WELLSTONE. I thank the Chair. I will take a moment or two to summarize this amendment.

Again, the amendment focuses on quality testing. The amendment says that everything we are doing within this Elementary and Secondary Education Act which has to do with these tests that are going to take place every year must meet the professional standards. In particular, what I am focused on is that there be multiple measures, not a single measurement; that, again, there be coherence; that the actual curriculum that is being taught is what is being measured; and that we also focus on continuity and are able to look at a child's progress over time.

I am not at all excited about any of the direction here, but any way I can make this bill a better bill, I want to. I certainly hope my colleagues will vote for this amendment.

Again, this budget resolution that was passed tells the story loudly and clearly. We are not going to have the resources going to the schools and the children. Next week I will have amendments that say we go with the testing and accountability when, in fact, we have provided the funding for title I; when, in fact, we have provided funding for early childhood development; when we have done the job by way of getting the tools to the schools and the children and the teachers so they can succeed. That is going to be a long story next week.

For now, I am hoping there is good, strong support for this quality of testing amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, how much time remains?

The PRESIDING OFFICER. There is no time remaining on either side.

UNANIMOUS CONSENT AGREEMENT

Mr. FRIST. Mr. President, I ask unanimous consent that at 2 p.m. on Monday, the Senate resume consideration of S. 1 and the Reid amendment No. 460 and there be up to 1 hour for debate to be equally divided in the usual form with no second-degree amendments in order.

I further ask unanimous consent that following that debate, the amendment be laid aside and at 4 p.m. the Senate resume consideration of amendment No. 376 offered by Senator CLELAND and there be up to 1 hour for debate on that amendment with no second-degree amendments in order.

I further ask unanimous consent that a vote occur in relation to that amendment following the Reid amendment with 2 minutes prior to the vote for explanation.

I further ask unanimous consent that a vote occur in relation to the Reid amendment at 5:30 p.m. on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, it is my understanding that there would be no second-degree amendments to the amendments of Senators REID and CLELAND.

Mr. FRIST. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question now is on agreeing to the Wellstone amendment No. 403, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Nevada (Mr. ENSIGN) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—50

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Murray
Breaux	Feinstein	Nelson (FL)
Byrd	Graham	Nelson (NE)
Campbell	Harkin	Reed
Cantwell	Hollings	Reid
Carnahan	Inouye	Rockefeller
Carper	Jeffords	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Stabenow
Conrad	Kerry	Torricelli
Corzine	Kohl	Wellstone
Daschle	Landrieu	Wyden
Dayton	Leahy	

NAYS—47

Allard	Bond	Burns
Allen	Brownback	Chafee
Bennett	Bunning	Cochran

Collins	Hutchinson	Sessions
Craig	Hutchison	Shelby
DeWine	Inhofe	Smith (NH)
Domenici	Kyl	Smith (OR)
Enzi	Lott	Snowe
Fitzgerald	Lugar	Specter
Frist	McCain	Stevens
Gramm	McConnell	Thomas
Grassley	Miller	Thompson
Gregg	Murkowski	Thurmond
Hagel	Nickles	Voinovich
Hatch	Roberts	Warner
Helms	Santorum	

NOT VOTING—3

Boxer	Crapo	Ensign
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The amendment (No. 403), as modified, was agreed to.

Mr. FEINGOLD. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 451

The PRESIDING OFFICER. There are now 2 minutes evenly divided on the Lincoln amendment No. 451.

Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. I yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mrs. LINCOLN. Mr. President, the amendment on which we are about to vote reconfirms our commitment to give States the resources they need to help all students with limited English proficiency to attain proficiency in the English language and achieve high levels of learning in all subjects.

This year we spent \$460 million to serve LEP and immigrant students, but only 17 percent of eligible children will benefit from these programs. This amendment calls on Congress to appropriate \$750 million for language instruction programs and services in 2002. It would also authorize additional funding over the next 6 years.

The critical part of this is that these children are also going to be judged by standards and tests. We want to be able to give these school districts the capabilities to give these children the tools they need in order to be successful within these standards and these tests. It is absolutely essential if what we want to do in this Nation is to leave the status quo of education and move on to something that is progressive.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Vermont.

Mr. JEFFORDS. I have no requests for time. I yield back my time.

The PRESIDING OFFICER. The question now is on agreeing to Lincoln amendment No. 451.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and

the Senator from Nevada (Mr. ENSIGN) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Louisiana (Mr. BREAUX) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—62

Akaka	Durbin	McCain
Allen	Edwards	Mikulski
Baucus	Feingold	Miller
Bayh	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Graham	Nelson (NE)
Campbell	Harkin	Reed
Cantwell	Hollings	Reid
Carnahan	Hutchinson	Rockefeller
Carper	Hutchison	Sarbanes
Chafee	Inouye	Schumer
Cleland	Jeffords	Smith (OR)
Clinton	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Voinovich
Dayton	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden
Dorgan	Lincoln	

NAYS—34

Allard	Gramm	Nickles
Bennett	Grassley	Roberts
Bond	Gregg	Santorum
Brownback	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Helms	Smith (NH)
Byrd	Inhofe	Stevens
Cochran	Kyl	Thomas
Craig	Lott	Thompson
DeWine	Lugar	Thurmond
Enzi	McConnell	
Frist	Murkowski	

NOT VOTING—4

Boxer	Crapo
Breaux	Ensign

The amendment (No. 451) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 534 TO AMENDMENT NO. 358

(Purpose: To provide for a Careers to Classrooms program and improve the Troops to Teachers program)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. WELLSTONE, Mr. DEWINE, Mrs. CLINTON, Mr. SCHUMER, Mr. CRAPO, Mr. KENNEDY, and Mr. BIDEN, proposes an amendment numbered 534.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD of May 9, 2001, under "Amendments Submitted.")

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, amendment No. 534 is the Careers to Classrooms Act of 2001. I have several cosponsors who have worked very hard with me to put this amendment together because many of us had ideas along the same line. I thank very much my cosponsors: Mr. WELLSTONE, Mr. DEWINE, Mrs. CLINTON, Mr. CRAPO, Mr. KENNEDY, Mr. SCHUMER, and Mr. BIDEN.

We have all worked on this issue because probably every one of us has had some experience that caused us to realize we must do more to recruit teachers into our classrooms. I had the experience of having a very good friend in Greenville, TX, who was a Latin major in college. She taught Latin in a private school, but when she moved to Greenville, she did not have the teacher certification for public school, so she was not able to teach Latin. Well, they didn't offer Latin in Greenville High School, even though they very much wanted to do so. But she was not qualified to teach because she didn't have the teacher certification, even though she had taught Latin in private school and that was her major in college.

So I started thinking, what are we doing, when we have a shortage of teachers, especially in rural classrooms, in urban classrooms, in high-growth areas, where we have subjects that are not being taught—subjects such as math, science, languages—yet we have artificial barriers to bringing people who have expertise into the classroom?

So I modeled the Careers to Classrooms Program—along with my cosponsors—along the lines of the Troops to Teachers Program, which Senator DEWINE will speak about later, which has been so successful in taking retired military personnel who would like to have another career, who are 40, 45, 50 years old, and bringing them into the classroom with all of their myriad of great experience and giving the children in our country the chance to experience this kind of expertise.

This is Careers to Classroom because now we have a number of people who have done very well early in their careers, and they would like to change careers, or they would like to retire from the computer industry. We want to lure those qualified people into the classroom. We want to target the classes that don't have teachers, where we have teacher shortages. So this amendment simply puts forward another opportunity for our school districts to give alternative certification, expedited certification, to encourage teachers to go into the classrooms in areas where we have teacher shortages.

In this legislation, individuals with demonstrable skills in high-need areas would be given the chance to help a school that has a need for teachers in their field. It would provide limited stipend assistance for individuals involved in State alternative certification programs and will agree to

teach in rural schools, schools with the most pressing teacher shortages, and schools with the highest percentage of students from low-income families. So we give incentives through stipends to help them get that teacher certification.

Second, to help offset the additional costs these high-needs schools incur when they accept individuals in the Careers to Classrooms Program, the provision allows States to award grants to such schools to meet these costs.

In other words, we are rewarding the school districts for creativity, for going the extra mile to bring qualified teachers into the classroom, and we are rewarding the person who is willing to go into the classroom by giving assistance for that alternative certification.

I ask that we pass this bill. It is one more way our public schools can give every child an opportunity to reach his or her full potential. That is the goal of public education. It is why public education is so important. We want every child to reach his or her dreams with a public education.

We like private schools. We like parochial schools. We think home schools are fine for many students. But we also want our public schools to be the foundation of our country, and that is exactly what adding more options and more incentives for creativity will do.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will take 3 or 4 minutes. I notice Senator CLINTON is on the floor, and Senator DEWINE is on the floor as well. I say to Senator DEWINE, I will let him cover the Troops to Teachers part of this legislation. It is a real addition, and I like this effort. This whole notion of Careers to Classrooms makes all the sense in the world.

I want to highlight two facts. No. 1, we are focusing again on underserved children and underserved communities, be they inner city, rural, or, for that matter, in a suburb.

No. 2, we want to make it possible for some people to make big career changes, to go into teaching, working with the States, and States having collaborative relationships with higher institutions to provide alternative means for certification and have more lateral entry into teaching.

Some of the best teachers are women and men who midcareer decide to make this change and go into teaching. For my own part—I hope I do not have to do it too soon; some of my colleagues might disagree with me on that—I often think to myself that I would love to do some teaching in the schools I visit all the time. Even though I do have a doctorate in political science and have some experience in the area of social studies, the thought of going back to school and going through the usual certification is a disincentive. We are trying to provide more incentives for people to come into teaching.

Every discussion I have been involved in at every school, once every 2 weeks

for the last 10½ years, if I ask a student what makes for a good education, the first thing they talk about before anything else is good teachers. By the way, they are not talking about teachers who teach the worksheets. They are talking about teachers who fire their imagination.

Finally—and Senator CLINTON may speak about this—it is not just recruitment but retention, having mentors, and providing support for teachers to stay in the profession. We run into the problem of good people leaving the profession. This is terribly important.

This amendment is on target. Each of us wrote our own amendments, our own bills. The Senator from Texas is right; we put this all together in a collaborative relationship. It is a very important amendment. There is widespread support for it, and I am proud to work with my colleagues on this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I thank the Chair.

Mr. President, I congratulate my colleagues from Texas, Minnesota, and New York for the great work they have done on this bill. This bill goes to the heart of the challenge we face in the next few years in education. We know a lot of things are important in education. We know we have to have a good building, laboratory equipment, and good books. We have to have different items, but we know the most important thing in education is the teacher.

As my high school principal, Mr. MALONE, told me years ago, there are only two things that really count in education: One is a student who wants to learn and the other is a teacher who can teach. This amendment goes directly to the heart of this issue.

We face a challenge in this country. In the next decade, we will have to produce 1.6 million to 2.6 million new teachers just to replace the teachers today who are getting ready to retire—1.6 to 2.6 million. We know from our experience that the greatest challenge with regard to recruiting these teachers is in the poorer parts of the country—in the inner cities many times, in areas of Appalachia. This is where it is so vitally important for us to attract, retain, and keep the best teachers we can find. We absolutely have to do that. This amendment is targeted directly at that.

I wish to talk for a moment about the part of the bill that we refer to as Troops to Teachers. This is not a new program. It is a program, frankly, we had to fight last year to keep afloat. It is a program that has been proven to work.

The concept is very simple. Every year in this country we have tens of thousands of men and women who retire from the military, and they retire many times at, at least from my point of view now, a relatively young age, the age of 57. They have a lot of time

ahead of them, and they have a great deal of experience. We want to encourage as many of these people as we can who have already proven they can lead other people to go into education, to teach, to take that leadership ability and lead our young people and mold them and work with them to, in turn, become leaders.

It has been a very successful program. This bill expands that program. Let me briefly tell the Members of the Senate what the results of this program have been.

A 1999 study found that 30 percent of Troops to Teachers, 30 percent of the people who go from the military into teaching under this program, are minorities. That is compared to only 10 percent of all teachers. Thirty percent of these former troops are now teachers and teaching math. Many of them are involved in teaching science. These are two subjects for which we know it is always difficult to find quality people to teach and people who have that background.

Twenty-five percent of the Troops to Teachers teach in urban schools; 90 percent are male, compared to the current teaching force, which is 74 percent female. Many educators tell us we need more males to go into teaching, particularly in K-6, 7, 8, the primary education. Troops to Teachers has proven this will, in fact, work and helps to do that.

I congratulate my colleagues for their work on this issue. The Troops to Teachers provision is something I have worked on for some time. I have had the chance in my State of Ohio to meet with people who have been troops who are now teachers. It is phenomenal to see their enthusiasm but, more importantly, to see the enthusiasm of their students. It really makes a difference in these children's lives.

This is an amendment that goes right at the heart of our problems and our concerns and that is to improve the quality of teaching in this country and to continue to do what we can to recruit the best people we can and put them into education and let them teach our young people.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I am so pleased to join my colleagues supporting this amendment, Careers to Classrooms. I commend my good friend from Texas who brought all of us together, took all of our various ideas, and came up with an amendment that I believe will make a tremendous difference in one of the most serious problems facing us in education. This is an issue all of us who joined together as original cosponsors have worked on because it is one that came to us in our respective States.

I brought along just three sample headlines from 3 different years. The first, from August of 1998, from the Buffalo News, reports that more than half of the teachers in New York State,

201,000, were headed for retirement in the next 10 years.

Then a year later, in August 1999, the New York Times ran a story on the front page alerting the public that as children were heading back to school, cities and towns across our country were struggling to fill the teacher slots, especially in our poorest neighborhoods, and especially in difficult subjects such as math and science and special ed.

Then, again, in August 2000, the New York Times focused on Westchester County where I live, highlighting the fact that faced with retirements and other departures from the profession, superintendents were spending their time desperately searching for teachers to be there when school opened.

I think all of us who joined together on this amendment do not want to see these headlines anymore. We think it is time that, from August 2001 on, the headlines should read that our country is coming together to answer the call to recruit and retain more teachers. I am so pleased that this amendment hits what I see as all of the necessary major points.

As Senator HUTCHISON said, it supports alternative routes to certification. I have heard so many stories similar to the one she told about her friend, the Latin teacher, who could not get a job in the public schools. As Senator DEWINE points out, it continues to support and fund the very successful Troops to Teachers Program. As Senator WELLSTONE points out, it begins to provide the resources that our high-need school districts will require in order to place them at the head of the queue to try to attract teachers. I am pleased it will permit each local school district to develop a local teacher corps, which would be able to provide bonuses for midcareer professionals interested in becoming teachers.

I have often said if we give signing bonuses to athletes, we ought to give signing bonuses to teachers. There is not any more important job in our country. All too often our teachers are relegated to the margins of our concerns. The teacher corps would also be able to make scholarships available for recent college students and create new career ladders for teacher's aides to become fully certified teachers. A lot of our teacher's aides want to become teachers. If they are performing well, if they have the requisite academic skills, we ought to encourage their development.

It will also provide additional mentoring, support, and professional development that is needed to become an effective teacher.

All in all, I am so pleased that we have an opportunity to address this important issue in this bill because if we do not address the quality and the quantity of our teaching force, we are not going to be able to deliver on all the other promises we are trying to make and keep with the children, teachers, and parents of our country.

I know in New York City we are looking desperately to fill the slots that are needed for our teachers. This kind of program of alternative certification and additional mentoring, similar to what we call the New York City Teaching Fellows Program, will help us recruit and retain our teachers.

In addition to promoting alternative routes to full certification, I am pleased that in the underlying bill as part of S. 1 we have the National Teacher Recruitment Campaign to alert prospective teachers from across the country about these new resources and routes to teaching and include a National Teacher Recruitment Clearinghouse so someone, anywhere in the country, can sign on to the Web and find out information about where they are living now or where they hope to move so we can really attract people who are the best and the brightest into teaching.

I am excited about this opportunity. I commend all my colleagues who have worked in a collegial and bipartisan manner, representing States from Texas to Ohio to Minnesota to New York, to send a clear message that teacher recruitment and retention is not a partisan issue. It is at the root of how successful we can be in improving education. I am so pleased we are going to have a chance to vote on this amendment and send that clear message to the people of our country.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank all of my colleagues who have spoken so eloquently. I think Senator WELLSTONE, Senator CLINTON, Senator DEWINE, and I have each addressed a separate part of this bill. We have each addressed something from our own States that we have seen that caused us to come together to try to alleviate the critical teacher shortage that we have in public schools throughout our Nation.

I think this is one more way that we will be able to add more creativity and more options to our arsenal of weapons that we have to combat the teacher shortage that we are seeing in our country.

I thank all my colleagues.

If there is no one else wishing to speak on this amendment, I urge adoption of amendment No. 534.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 534) was agreed to.

Mrs. HUTCHISON. Thank you, Mr. President. I think we have taken a great step forward. I hope in the final bill this is a very big part of the reform we are all seeking in public education.

Mrs. CLINTON. Mr. President, thanks to my colleague, especially for her leadership on this issue.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise today as we debate one of the most important issues to come before us in the Senate—the education of our children—and to urge my colleagues to support the Careers to Classrooms amendment.

If you have listened to the debate, there is not a single Senator who is satisfied with the quality of education in our public schools. We are unanimous in our belief that U.S. schools must do better in this global, competitive, ideas-based world.

In my own State, New Yorkers were shocked to learn that more than one-third of the State's students performed below the basic level of achievement in reading. Over the last 8 years, the number of New York State schools cited for poor performance has more than doubled, and this is simply unacceptable.

When you look at the studies, you see that they show that the greatest influence on how a young person performs in school is their parents and the values and oversight their parents are giving. There is something we can do about that, but not very much—at least in this bill.

Second is the quality of our teachers. On this bill, if we could only accomplish one thing—I hope it will accomplish many more than that—if we could make only one change to our schools to raise the quality of education for all kids, it would be to improve the quality of our teachers and make the teaching profession more attractive to young people and midcareer professionals alike.

In the past, America was able to attract high-quality individuals into teaching. We had three cohorts of people who went into teaching:

In the 1930s and 1940s, we had New Dealers—people who were raised in the Depression and got that civil service job because they did not want to be fired, even if it paid a little less.

In the 1950s and 1960s, there were not many opportunities for women, and millions of young, bright American women were told, "Go be a teacher," and, "Go be a nurse." To our great luck as a nation and to my great luck as a student who was taught by many of them, many of them did go into teaching.

The final cohort were the young men in the late 1960s and early 1970s who, because you received a draft deferment when you taught, went into teaching.

My children attend public schools in New York City. At Open School Night, I asked the six teachers of my daughter who is in high school how they got into teaching. They are women who had gotten into teaching in the 1960s, 1970s, and 1980s, and they are men all about my age—I am 50—who had become teachers during the Vietnam war.

Those three groups of people are gone. New Deal, not too many people who lived in the shadow of the Depression are going into professions now; Women, thank God there are many more opportunities; and, again, thank God we don't have a Vietnam war that drove men into teaching.

As a result, because of that, our teachers are old.

This chart shows the age of teachers in America. This big bump shows teachers 47 to 49 in my State. I think the No. 1 age—the “immediate mode” I think it is called—of the teacher, the most frequent age of any, is 53.

In the next 10 years, we are going to have huge numbers of our teachers retire, and they are going to have to be replaced. The \$64,000 question for education is, Who is going to replace them?

One thing we know. Today, to choose to teach is to choose financial sacrifice. Teacher salaries do not compare with other possible options facing graduates. In fact, over the past 4 years salary offers for college graduates in all fields have grown at twice the rate of those for new teachers. Isn't that incredible that in America, where we value education, salaries for teachers grew at half the rate of others?

This chart tells the story about why we are having such difficulty attracting good teachers. The starting salary for computer programming is \$44,000, for accounting is \$37,000, for market research is \$34,000, and for a paralegal is \$45,000. But the starting salary for a teacher with a bachelor's degree in America is \$26,700.

So a qualified young person, idealistic though they may be, can often make \$10,000, \$15,000, or even \$20,000 more starting out by going into another profession.

What job could be more important than teaching? It is the most important job in America in the 21st century. Teaching should be an exalted profession the way medicine and law were in the 20th century. That is not just something that sounds nice; that is if we want to keep America the leading country in the world.

Yet this most important job has become less and less and less attractive compared to other jobs financially. That means that quality has become less important than simply filling vacant teacher slots. We have seen it all. We have seen in my city they now are going not just around America but around the world to find young men and women to teach, particularly in math and science. The board of education in New York City found itself lucky that it had a gold mine of Yugoslavian students who wanted to come teach, and Austrian students who wanted to come teach. And they are good to have—better than nothing. But how many of them are going to stay here and become career teachers and gain the invaluable experience in the first 3 or 4 years that a teacher gains?

We cannot continue in this manner. We cannot have so many math and

science teachers not experienced in math and science. We cannot have this global search for people who might teach for a year. We cannot have it for a lot of reasons.

Today's economy depends on the quality of the minds of our young people, the quality of the education we provide in our schools, and, consequently, our children's success depends on the education they receive.

As you can see from the chart, in my own State, in New York City alone, 11,000 teachers could retire by this year's end. And remember that previous chart: One-third of our teachers are eligible to retire in 5 years. That means our country will have to hire or replace close to 2 million teachers over the next decade. And New York State will need to hire 80,000 teachers over the next 5 years.

Studies tell us that teacher qualifications account for more than 90 percent of the differences in students' math and reading scores.

I believe in having more teachers. I support having 100,000 new teachers. But let me tell you this. I would rather have a really good teacher for 21 students than a mediocre teacher for 18. So as much as I support having 100,000 new teachers, I would much rather see us get the best quality teachers, even if it means slightly bigger class size.

We, of course, in an ideal world, should not have to settle between one and the other. But quality and training counts. That is what the studies show. The bad news is that more than 12 percent of all newly hired teachers enter the teaching workforce with no training at all. More than 1 out of 10 teachers have not a single bit of training. They hire you and throw you in a classroom. Isn't that amazing? Would we do that to somebody who is working in a foundry on an assembly line? Would we do it in almost any other job? No. But here it is. And a third of all teachers lack a major or even a minor in the subject they teach. And 33 percent of new teachers nationwide lack full certification.

We all talk about education. We all think that it is the key to our future. And the people who are going into teaching are often financially underpaid, which means, frankly, we do not get the highest quality, and they are untrained when they enter the classroom.

I do not think anyone in this Chamber, from the most conservative to the most liberal, would dispute this statement: Every American child deserves to be taught by a highly qualified, motivated teacher.

So what does that mean? It means that scarce Federal dollars—and they are scarce; particularly, I might add, with this huge tax cut they are even more scarce—it means that scarce Federal dollars should be used to support and help replicate successful programs to recruit and retain highly qualified teachers, especially in those districts with the highest need.

I have been working on this piece of legislation since I came to the Senate 2 years ago. We put together something called the “Marshall Plan for Teachers.” I am proud to say that a lot of the things in this amendment—and the ideas were not mine alone; lots of my colleagues had very similar ideas—are very much like the “Marshall Plan” that we introduced and talked about.

I am very proud to have worked with so many of my colleagues—of course, Senator KENNEDY in the lead, and Senators HUTCHISON, WELLSTONE, CRAPO, CLINTON, DEWINE, and BIDEN—on this amendment to provide Federal support for States and local districts to recruit and retain midcareer professionals and to attract young people into the teaching profession. To me, it is the most important part of this bill.

There are many important parts. Federal dollars will help establish, expand, or enhance programs that provide alternative routes to certification, such as the National Teaching Fellows Program in my city of New York. Dollars will be targeted to the areas where they are needed most—districts and schools with high numbers of low-income families, high numbers of uncertified teachers, and high teacher turnover.

Similar to legislation I introduced this Congress, our amendment would provide funds that could be used to recruit new teachers through incentives, scholarships, tax credits, or stipends, as long as these efforts are linked to effective retention activities such as mentoring programs and high-quality, in-service professional development opportunities.

We know that 20 percent of new teachers leave the profession within their first 3 years of service. And nearly 10 percent leave within the first year. We must be committed to providing incentives to attract highly qualified people and provide the resources and opportunities to keep people teaching.

The amendment would support collaboration—partnerships, if you will—between local districts, parents, colleges, and universities, and community leaders to develop effective recruitment and retention strategies.

In addition, we would support accelerated paraprofessional-to-teacher programs and State and regionwide clearinghouses for recruitment and placement. And we would expand upon the successful Troops to Teachers Program.

Because accountability is so crucial to the success of our efforts, the amendment would require an evaluation report from each grantee to determine whether we have increased the number of certified, highly qualified teachers teaching the subject areas in which they have experience, decreased teacher shortages in high-need subject areas, and increased teacher retention.

It is time to make a change. This amendment will get us on the way to what I know is a goal shared by all of

us: a qualified teacher in every classroom in America.

Thank you, Mr. President.

Mr. KENNEDY. Will the Senator yield?

Mr. SCHUMER. I am happy to yield to our friend and leader from Massachusetts.

Mr. KENNEDY. I thank my friend and colleague from New York for offering this amendment. I would appreciate his opinion on this. I have seen, in a number of different situations, where there are many individuals in different professions who are skilled in math and science and other areas in the new economy. And there are individuals who are retiring.

If they had some way, some pathway to go into teaching, we would find that there is a great deal of interest. What the Senator is attempting to do is create a pathway for individuals who may have gone into a career for a period of time and have been able to have achievement in terms of their professional careers but then, with this kind of an opportunity that is included in the Schumer amendment, they would be able to have a career change and, with the kind of training and what they would bring to teaching as achievement in a number of different potential areas, they would be able to be of a real advantage to these students.

Many of us have seen, for example, the Troops to Teachers Program where we have had a number of members of the U.S. Navy, particularly in the areas of—well, the submarine fleet comes the closest in the State of Washington, I believe, where a number of the people who retired from the Navy stayed in the area. These are people with enormous kinds of understanding and a great deal of training in terms of math and in terms of science. When they were offered this opportunity to engage in the schools—it is also true in a number of districts in Florida and in other communities where there were significant numbers of retirees in the military—when they opened up the opportunity for these servicemen to go into teaching, they just went in droves. The positive impact it has had in the schools in the areas of math and science has been absolutely extraordinary.

As I was listening to the Senator, it seems to me that this is sort of a particular situation, but there are going to be other professions as well where individuals, through the Senator's amendment, could get into the areas of teaching and have a rewarding and satisfying and inspiring career and also make a real difference in terms of children's appreciation for learning as well as enhancing their skills academically.

Mr. SCHUMER. I thank the Senator for his question. He is right on the money, as usual. There are so many people in modern America in the military—the Troops to Teachers—so many other professions who retire early; they receive their pensions after 25 years;

they say they are not going to work at this job any longer because they are getting a good pension, whatever, who would love to teach, who would just love to teach.

I myself, as everyone here, have been invited into classrooms to teach. Come to Cunningham Junior High School and teach 8th grade social studies for a day or come to Madison High School and teach 11th grade history for a morning. I guess I am not atypical. I love it. When these people who have retired, who have such skills, get a taste of teaching, they love it.

One of the things we do in this amendment—and the Senator is correct to point this out—is make it a lot easier for them to go into teaching. There are no inadvertent barriers in the way.

In this bill, we allow them to go teach. These days they could have 15 or 20 productive years as a teacher after their original career. The Senator is exactly correct. As we try to think of how to attract new teachers, this group of people is one of the great untapped resources. I hope, through this amendment, we can tap it.

Mr. KENNEDY. I commend the Senator. We have seen awakened in this country, particularly in recent times, a sense of voluntarism. I think voluntarism is alive and well in the United States. Many of us hope that our young people, whatever their disposition, will be more involved in the public policy aspects of our country. You can't get away from the fact of their involvement in terms of volunteerism. I have seen it in our high-tech area in my own State of Massachusetts with our "netdays" where Massachusetts was 48 out of 50 States in terms of Internet access. And basically, through asking the high-tech industry to tie up with local schools, we have moved now into No. 11. We have what we call "netdays." The private sector in the high-tech area, the software industry, has been enormously responsive in adopting schools, and labor laid down 350 miles of cable in Boston voluntarily on Saturdays because their children were going to these schools.

Schools have an enormous ring in terms of our value system. To challenge our society in ways which they haven't been challenged before, in terms of giving people an opportunity to be a part of an educational system, would get a very positive response. We shouldn't miss the opportunity to at least challenge professionals in that area. The good Senator's amendment will help enormously in being able to do it.

I thank the Senator.

Mr. SCHUMER. I thank the senior Senator from Massachusetts.

Mr. JEFFORDS. If the Senator will yield, I would like to share some experiences I have had in this area also.

As you may remember, a few years ago, Congress took back—sort of—the school system of the District of Columbia. I had the opportunity of sort of

being the de facto superintendent of schools for awhile. I have been following up on some of the problems they have had, as all schools are having, with finding teachers who are qualified. I find that the only teachers they can get in the science and math area are retired people who have come back in and had some sort of a certification process to make sure they knew the basics about teaching.

Also, in Vermont, we have one of the largest IBM plants, and we have the same shortage of teachers. They are finding there that the source of getting good teachers back into the schools is from the retired IBM employees.

This is an idea we have been talking quite a bit about today. I wanted to share those experiences with the Senate because we have to do everything we can. At some point, the States would be better to do that, to make sure the standards just of the common capabilities of teaching are there and all that sort of thing.

I commend the Senator on his amendment and the Hutchison amendment.

Mr. SCHUMER. I thank the Senator from Vermont not only for his insight but for his great leadership on this bill. One of the reasons we have such a broad and bipartisan bill is because of the Senator's leadership, as well as my friend from Massachusetts.

Teaching is so fulfilling. It is a great job, if people get a taste of it, as both Senators from Massachusetts and Vermont have said. Whether you are a retired military person or a retired person from technology or a retired small businessperson, I say: Look at teaching. If we can pass this legislation with the amendment that so many of us on both sides of the aisle have put together, we will make it easier for you to get into teaching.

Given the importance of teaching to America and given what a fulfilling job it is, maybe this amendment will really help the children of this generation, and certainly generations in the future, to get the kind of great fulfilling experience they had from great teachers as we each did as we went through elementary and secondary school.

I thank the Senator for those nice words as well as for his leadership.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I plead with my fellow Members of the Senate who may still be here that we are waiting for another Senator to hopefully offer an amendment. We have some 270 remaining to be brought to our attention. Hopefully, we will be here for a little length of time anyway. I am not sure how long. Now is the time.

I yield the floor to Senator BYRD.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 402 TO AMENDMENT NO. 358

Mr. BYRD. Mr. President, I shall offer an amendment. The amendment is at the desk. It is amendment No. 402. I call up the amendment at this time.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 402.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide grants for the teaching of traditional American history as a separate subject)

On page 893, after line 14, add the following:

SEC. ____ . GRANTS FOR THE TEACHING OF TRADITIONAL AMERICAN HISTORY AS A SEPARATE SUBJECT.

Title IX (as added by section 901) is amended by adding at the end the following:

“PART B—TEACHING OF TRADITIONAL AMERICAN HISTORY

“SEC. 9201. GRANTS FOR THE TEACHING OF TRADITIONAL AMERICAN HISTORY AS A SEPARATE SUBJECT.

“(a) IN GENERAL.—There are authorized to be appropriated \$100,000,000 to enable the Secretary to establish and implement a program to be known as the ‘Teaching American History Grant Program’ under which the Secretary shall award grants on a competitive basis to local educational agencies—

“(1) to carry out activities to promote the teaching of traditional American history in schools as a separate subject; and

“(2) for the development, implementation, and strengthening of programs to teach American history as a separate subject (not as a component of social studies) within the school curricula, including the implementation of activities to improve the quality of instruction and to provide professional development and teacher education activities with respect to American history.

“(b) REQUIRED PARTNERSHIP.—A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with 1 or more of the following:

“(1) An institution of higher education.

“(2) A non-profit history or humanities organization.

“(3) A library or museum.”.

Mr. BYRD. Mr. President, this amendment authorizes to be appropriated \$100 million to enable the Secretary to establish and implement a program to be known as “Teaching American History Grant Program” under which the Secretary shall award grants on a competitive basis to local educational agencies—to carry out activities that will promote the teaching of traditional American history in schools as a separate subject; and for the development, implementation, and strengthening of programs to teach American history as a separate subject, not as a component of social studies, within the school curricula, including the implementation of activities to improve the quality of instruction and to provide professional development and teacher education activities with respect to American history.

A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with one or more of the following:

(1) An institution of higher education.

(2) A nonprofit history or humanities organization.

(3) A library or museum.

Mr. President, I started school in a two-room schoolhouse 79 years ago, in 1923. It was 1924 that John W. Davis of Clarksburg was nominated on the 103rd ballot for the office of President of the United States. He was defeated by Calvin Coolidge.

My first teacher was a woman by the name of Carrico. Her husband had lost his arm as a brakeman on, I believe, the N&W railroad. Mrs. Carrico was my first teacher and she taught the lower grades.

We started out in the Primer and the main character in that primer was Baby Ray. And there were two rooms, as I say. In the other room, a man by the name of Lawrence Jennings taught the upper grades. I went through the Primer in about 3 weeks. I promoted myself when it came to geography. Being in the same classroom with other students in the first, second, third, fourth grades—I believe the fourth grade was in the same room—I learned a lot by listening to the other students in the higher grades.

There was a geography book. I can remember it as though it were yesterday; it was Fries Geography. Well, I liked geography; I liked the maps and the pictures. So I went home one night and said to the man who raised me, a coal miner—he was my uncle by marriage—“I want a copy of Fries Geography. I like that book.” He said, “Well, we will go to Matoaka,” which was about 5 miles away. This was all in Mercer County, in southern West Virginia. “We will go to Matoaka on Saturday, which is pay day, and we will get Fries Geography.”

He took for granted that the teacher had asked me to ask him for this book. The teacher didn’t ask me to do that. I just decided I wanted it. So we caught the train and went to Matoaka. There was no highway up to Algonquin. Algonquin was the coal camp. There was no highway up to Algonquin from Matoaka.

The railroad ran across Clark’s Gap Mountain, and we went by railroad, a passenger train, from Matoaka up to Algonquin. We went by Giatto and Weyanoke in Mercer County. That is the way we went from Matoaka to Algonquin.

Mr. Byrd, the man who raised me, was a man who didn’t have much education. He probably never went to the second grade. He could barely read. We had a Holy Bible in our house. That was about the only book at our house. I always called him my dad because I loved him and he loved me. I didn’t know anybody else as a father. His wife was my aunt. She was my natural fa-

ther’s sister, and I had three brothers and a sister. But losing my mother when I was 1 year old, my biological father could not care for five children. That was back in the days when he probably earned only \$3 or \$4 a week working in a furniture shop.

Upon the death of my mother during the influenza epidemic, he gave the children to his sisters. He kept the one daughter. I only saw her when I was in high school—about 15 or 16 years old. I saw my sister then for the first and only time.

But there we were. These people who took me in to be raised loved me. They had one child prior to their taking me as their adopted child. That child had died of scarlet fever. So they had me as their adopted son. They loved me. I never knew about a mother’s kiss. My aunt was tough, very religious, and strict. I never knew a mother’s kiss, but she loved me.

Anyhow, I went home one evening, and I said to my dad—as I say, I called him my dad because, as far as I knew at that time, he was my father. Now, I went home and I said I had to have a Fries Geography. So on Saturday, we caught the passenger train, went down to Matoaka and bought Fries Geography.

I took it to school on Monday. The teacher Mrs. Carrico, said, “I didn’t tell you to get this.” I said, “Well, I have to have it and I want to study it.” That teacher let me keep that book and let me study along with the class in which the book was being taught.

Well, I came to love my teachers, and we had a category on that report card that was denominated “Deportment.” My old coal miner dad told me, “If you get a whipping in school, I will give you another whipping when you get home.” I wanted to please that coal miner dad, and I wanted to please those teachers. Back in those days, I say to Senator KENNEDY, the history book was by Muzzie.

It did not have a lot of pictures in it. It was full of narrative. I often ask the young pages who serve us—we have different pages from year to year to let me see their history book. I ask the students, the pages: Who is Nathan Hale? If an American history book does not tell us about Nathan Hale, I do not think it is much of a history book.

Who was Nathan Hale? Nathan Hale was a young schoolteacher, 21 years of age. When George Washington asked for a volunteer to go behind the British lines and spy on the British fortifications and bring back drawings of the British gun placements, and so on, this young man by the name of Nathan Hale, age 21, schoolteacher, volunteered to go.

He went behind the British lines. He accomplished his mission. On the night before he was to return to the American lines, he was arrested as a spy, and, of course, the drawings and the papers were in his clothing. The next morning, September 22, 1776, he was brought before a gallows, and as he

stood there with his hands tied behind him, he asked for a Bible. The request was refused. Nathan Hale stood there before the gallows, and only a few yards away was a wooden coffin—a wooden coffin. He knew that his body would soon be placed in that coffin.

He was asked by the British captain, whose name was Cunningham: Have you anything to say?

Nathan Hale said:

I only regret that I have but one life to lose for my country.

Nathan Hale died for his country. I often wonder why people cannot give one vote for their country—whether they are Republicans or Democrats, why they will not vote, why they will not give one vote for their country. Nathan Hale gave the only life he had for his country.

That history book taught me about Nathan Hale. As a lad, I memorized my history lessons. I memorized them by the light of an oil lamp. I memorized history. I liked history. I liked to read about Francis Marion the "Swamp Fox," Nathanael Greene, Daniel Morgan, George Washington, Benjamin Franklin, James Madison. They were my heroes.

So I say today we need good history books and good teachers so that the boys and girls today will find their heroes among the early Americans who built this country.

I came to appreciate the fact that the peoples of western Europe, eastern Europe, central Europe, southern Europe, northern Europe and elsewhere came to this country and helped to build it. My heroes were those men and women who were mentioned in the history books. The teaching of history is important.

When I moved out of that area of West Virginia—moved out with a wagon team—we moved up a hollow called Wolf Creek Hollow. We were 3 miles up that hollow.

I then attended another two-room school up on the mountain. I walked to that school with a man by the name of Archie Akers. He was one of the two teachers in the school. He would walk from 3 or 4 miles down the hollow up by my house, and I would get with him and walk on up to the top of that mountain to that school.

I had two teachers there. One was named Mary Grace Lilly. I remember the first day I went there. She said: If you have a fence and you can't get over it, you can't get under it, what do you do?

I held up my hand. She called on me. I was eager to be called on. I said: If you can't get over it, you can't get under it; you go around it.

She patted me on the head and said: That's right.

I memorized my lessons. Yes, memorized my lessons. I loved to do it. I loved to be called on by the teachers. I liked my teachers. I had good teachers. They did not get paid much. Very little did they get paid, but they were dedicated teachers.

We did not have any electricity in the house. We did not have any running

water. If we wanted to go to the toilet, we had to go outside to a privy behind the house. No radio. Never heard of television. You see, that was in the twenties.

I will never forget those books. Those history books, to a degree, shaped me to what I am today. They shaped me, they shaped my attitude, they shaped my outlook, and I came to want to be like James Madison or Webster or Clay or some other historical figure.

Oh, yes, I had my sports hero. That was Babe Ruth or Jack Dempsey—these are some years later. But history, history had an impact on me, may I say to my friend, Senator KENNEDY. It had a decided impact on me when I was just a boy, 8 years old, 9 years old, 10 years old, and was a root of my ambition to try to make something out of myself.

Mr. Byrd, who raised me, wanted me to go to school and to learn and to get a better education than he had been given. As I say, if he went to the second grade, I do not know that.

He did not want me to be a coal miner. He wanted me to get an education. And in those days, when I graduated from high school in 1934, it was something to have a high school education. I heard it said by my elders: If you don't get a high school education, you are not going to amount to much, you are going to have a hard time. You have to have a high school education.

We had great teachers, good high school teachers. W.J.B. Cormany, William Jennings Bryan Cormany, was the principal of the high school.

When we moved out of that hollow, Wolf Creek Hollow in Mercer County and moved to a coal camp, I enrolled at the Mark Twain School. The principal of that school, when he learned that I could recite whole chapters from the history book, took me up before the senior class and had me perform for the senior class. Well, that kind of enhanced my reputation around the school—to be able to go up before the senior class and recite history.

So, I loved my teachers. We were talking about teachers a minute ago. I often worked to be the best student in the class in order to please my teacher. David Reemsnyder, a huge man, when I was in junior high school, taught mathematics, Algebra, and geometry. I wanted to please him.

Mrs. W.J.B. Cormany taught music. I wanted to study the violin because she wanted me to study the violin.

That is the kind of influence teachers had on me. I always wanted to be the best student in the class, to please my teachers and to please that old coal miner dad who reared me. There is no way to establish the worth of a good teacher.

A Builder builded a temple,
He wrought it with grace and skill;
Pillars and groins and arches
All fashioned to work his will.
Men said, as they saw its beauty,
"It shall never know decay;
Great is thy skill, O Builder!
Thy fame shall endure for aye."

A Teacher builded a temple
With loving and infinite care,
Planning each arch with patience,
Laying each stone with prayer.
None praised her unceasing efforts,
None knew of her wondrous plan,
For the temple the Teacher builded
Was unseen by the eyes of man.

Gone is the Builder's temple,
Crumpled into the dust;
Low lies each stately pillar,
Food for consuming rust.
But the temple the Teacher builded
Will last while the ages roll,
For that beautiful unseen temple
Was a child's immortal soul.

I have done a little reminiscing here today. The Senator I am most fond of saying is my favorite Senator on this side of the aisle, Senator KENNEDY—one gets into trouble saying things like that—saying "This man, this Senator, is my favorite," or, "that Senator is my favorite." They are all my favorites. But Senator KENNEDY is my favorite favorite Democratic Senator.

A few days ago, he wanted me to do a little reminiscing about my school days. You see, I have been going along life's pathway quite awhile. I came from those deep roots, and I like to speak of my remembrances of those teachers who sacrificed, back in the Depression. They couldn't get their checks cashed. They had to surrender 20 percent, sometimes, of the monthly check, the total check, in order to get it cashed. That was in the Great Depression.

Mr. President, my amendment to the budget resolution, as I have already indicated, will add \$100 million in fiscal year 2002 to function 550, education. This increased funding will allow for the continuation of an American history grant program I initiated last year. That program is going, it is ongoing, it is moving. This program is designed to promote the teaching of history, American history.

It is shocking—it is shocking—to read of students who do not know that the Civil War occurred during the second half of the 19th century. They cannot place the Civil War in a specific 50-year period with accuracy, let alone say it was from 1861 to 1865. They don't even know what half century it occurred in. So we are falling down badly in teaching American history. And history is so important.

Byron, Lord Byron, said, "History, with all her volumes vast, hath but one page," meaning that history repeats itself. And it does. It repeats itself.

When Adam and Eve were placed in the Garden of Eden, H₂O was water. Water was made up of two atoms of hydrogen and one atom of oxygen. And it is still that way. It has never changed. It is still H₂O.

It is the same with human nature. Human nature has never changed. Cain slew Abel, and men are still slaying their brothers. It has not changed. That is why we can truthfully say, and mean it, that history repeats itself—not in every precise and particular detail, but one needs to know history.

An unfortunate trend of blending history with a variety of other subjects to form a hybrid called "social studies" has taken hold in our schools. I am not against social studies, but I want history. If we are going to have social studies, that is OK, but let's have history. Further, the history books provided to our young people, all too frequently, gloss over the finer points of America's past. My amendment provides incentives to help spur a return to the teaching of traditional American history.

Every February our nation celebrates the birth of two of our most revered presidents—George Washington, the father of our country who victoriously led his ill-fitted assembly of militiamen against the armies of King George, and Abraham Lincoln, the eternal martyr of freedom, whose powerful voice and iron will shepherded a divided nation toward a more perfect Union. Sadly, I fear that many of our Nation's schoolchildren may never fully appreciate the lives and accomplishments of these two American giants of history. They have been robbed, the students have been robbed of that appreciation robbed by our schools that no longer stress a knowledge of American history, robbed by books that purport to be history books but are not history.

Study after study has shown that the historical significance of our Nation's grand celebrations of patriotism—such as Memorial Day or the Fourth of July—is lost on the majority of young Americans. What a waste. What a shame.

American students, regardless of race, religion, or gender, must know the history of the land to which they pledge allegiance. They should be taught about the Founding Fathers of this Nation, the battles that they fought, the ideals that they championed, and the enduring effects of their accomplishments. Without this knowledge, they cannot appreciate the hard won freedoms that are our birthright.

Our failure to insist that the words and actions of our forefathers be handed down from generation to generation will ultimately mean a failure to perpetuate this wonderful, glorious experiment in representative democracy. Without the lessons learned from the past, how can we insure that our Nation's core ideals—life, liberty, justice—will survive? As Marcus Tullius Cicero stated: "... to be ignorant of what occurred before you were born is to remain always a child."

Many groups are interested and have expressed support for this grant program. Representatives from the National Council for History Education, the National Coordinating Committee for the Promotion of History, the American Historical Association, and National History Day have all expressed enthusiasm for this grant program. They are very supportive of this effort.

So, for those reasons, I offer this amendment to the budget resolution to

increase function 500 (education) by \$100 million in fiscal year 2002, and I urge the adoption of it.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, some few days ago when we were on the floor of the Senate—I think it was at that time, or perhaps even a little later in the week as we find ourselves today—we listened to our good friend from West Virginia. At that time he quoted one of his famous poems that, as his poem today suggests, had a deep-seated meaning to it. I took the occasion to ask him prior to the time that we were going to end this debate and discussion if he might recall his early years as a student and share them with us once again on the floor of the Senate.

I have had the good opportunity to listen to the good Senator speak on many, many different subject matters, and always with great enthusiasm, strength, and belief for the causes for which he speaks, so many of which I agree. I always find, having listened to him for many, many years, that the stories he talks about of his early years and the power of education is really a lesson that all of us should hear because it reminds all of us about what, in this case, this legislation is all about and what we are attempting to try to provide for the young people in this country.

If we were ever possibly able to sort of capture that extraordinary magic that was evidenced in that small school, the primer schools and then after that, and somehow develop in that classroom the atmosphere which brought BOB BYRD to sense the great desire and thirst for knowledge and personal achievement, accomplishment, and desire to really respond to the teachers by demonstrating keen intellect and an awareness in the classroom, and to take those early lessons and use them as guideposts for the rest of his life resulting in this extraordinary career of public service for the people of West Virginia, and the people of this Nation, I think our problems really as a country and as a society would be immensely advanced.

Whenever I listen to Senator BYRD, I think about what we were trying to do in terms of different paragraphs, different authorizations and approaches in what we were trying to do in different provisions of the legislation. It always makes us think about what we ought to be doing better to try to make the dream of education and the kind of opportunity this extraordinary Senator felt, which was so much a part of his pathway to his own life and such a source of strength to him, as well as his deep-seated faith—we would be very fortunate if we were ever able to sort of capture that in a legislative undertaking. We have not done so with this legislation, needless to say.

But we are going to continue to try to create a climate and atmosphere in

the schools so other Bob Byrds in West Virginia, Massachusetts, Vermont, and across this country might perhaps have a similar life's experience, and, as a result of that, we would have a better and a stronger nation.

I thank the Senator for his amendment. I know very well the Senator's strong interest in history.

I will just take a moment or two to remind the Senate that one of our great historians, David McCullough, will be releasing his wonderful book on Adams and Jefferson. The book is going to be published in about 2 weeks. They have already printed some 350,000 copies. I don't think they have underestimated both the success of the book or the thirst of Americans for knowledge about this country in its early years.

I remember the occasion when I was at the Longfellow House in Cambridge, MA, a few years back. I was looking at some of the papers in the Longfellow House. The Longfellow House was designated by Mrs. CLINTON under Saving America's Treasures as one of our two treasures. The Longfellow House in Cambridge and the Frelinghuysen Morris House in Lenox are other treasures. But this was a special treasure for a number of reasons.

One of those related to David McCullough's book is the fact that this was the place where George Washington assumed command of the American forces in the American Revolution. As David McCullough reminds us, this was the first symbol of national unity of a southern general commanding northern troops. Others had signed up for the American Revolution for periods of time, but the Glovers, which was a small band of troops who had been organized by Colonel Glover, committed themselves for the duration of the war.

They were subsequently enormously important because they were the ones who brought Washington from Brooklyn Heights over to New York when the British fleet came into New York Harbor at a very key time in 1776. And when the wind was blowing from the northeast, it kept the British troops out. The Glovers brought Washington back into the main of New York, which would be Manhattan now. And then he escaped out into southern New York State and eventually over to New Jersey. Then the Glovers were the ones who brought him across the river at Trenton.

But Dave McCullough wrote to me about papers that were there that were not as well cataloged or kept and were in danger of deterioration. These were magnificent handwritten notes of John Adams and John Quincy Adams that were directly relevant to the early years of the founding of this country. Senator BYRD was good enough to review—find out for himself, actually, as one would expect—the substance of that material and made his own independent judgment about the importance of preserving those in terms of

our national history. As a result of his efforts, some extraordinarily important early documents involving the founding of this country are now carefully preserved for future generations.

So when Senator BYRD talks about his love of history, we all know it and have seen it, but I think many of us have also witnessed it in our relationships with Senator BYRD on different issues.

I thank him for offering this amendment.

Some years ago, I was on the Bicentennial of the American Constitution committee. I was on that committee that Chief Justice Berger chaired with a number of our colleagues, Senator HATCH, Senator THURMOND—a number of our colleagues.

From that, which was the bicentennial of the Constitution, one enduring, continuing, and ongoing force from that period was the establishment of the Madison Fellows. And there are two schoolteachers from each State, each year, who are selected through a very rigorous selection process. They receive a stipend for a period of study and then basically commit to teach the Constitution for the rest of the time they are teaching. We have now two in each State of the Union.

We found during that period of time there was so little understanding about the Constitution. We found the challenge that we had so many people who could not read the Constitution. One of the small efforts that came out of that was a literacy corps to try to help in terms of reading.

We have seen a number of different efforts since that time. There are some important initiatives in this legislation to improve reading for the young people in this country. This was a serious deficiency. But I can just say, as we reviewed at that time the importance of developing knowledge about the Constitution, we saw, as well, the failure in too many of our schools of the understanding, the appreciation of being taught good history.

The good Senator's amendment can help immeasurably in developing a better understanding and awareness in history for our students.

I appreciate the way the amendment is structured as well because it gives some special effort to our neediest communities that perhaps do not have the range of different resources in terms of our history and gives them the recognition that they can participate in this program and be able to do so on a very even basis with any of the other communities in the country. So I think it is structured in a very compelling way as well.

I thank the Senator for both his statement and, most of all, for his earlier comments. I know every Member in this body is extremely busy, but if Americans want to know the value of an education and what it means in terms of an individual, read BOB BYRD, West Virginia, Thursday.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I commend my colleague from Massachusetts for this dialog. I was in this Chamber, I think it was probably a week ago, when there were similar circumstances, when the Senator from Massachusetts asked the Senator from West Virginia to bring together his memories of his childhood and the importance of history and the importance of a good education.

So I am pleased to have had the opportunity to hear the Senator speak. I wish more Members had the opportunity to be able to do that because it is a step back into history and a move forward in our ability to understand this great Nation of ours.

I thank the Senator from West Virginia so much for his efforts and for the amendment he has offered today.

Mr. KENNEDY. Mr. President, if I could say one final word, I particularly appreciate the reference the Senator from West Virginia made about his teachers and the names of his teachers. And Fryes, is that the geography book?

Mr. BYRD. Fryes.

Mr. KENNEDY. And the history book was—

Mr. BYRD. Muzzie.

Mr. KENNEDY. Muzzie. So I was glad to hear that.

I might just mention one of my great teachers was Arthur Holcombe, who wrote "Our More Perfect Union," who was probably the leading teacher—and certainly was at Harvard—about the Constitutional Convention. When he taught, you had a feeling you were right at the Constitutional Convention.

I was fortunate to have him the last year he taught at Harvard. He taught my father when he went to Harvard, and he taught my three brothers. He taught about the Constitutional Convention. So he had a pretty good grasp of the subject matter by that time. But it was also a course that made a profound impact and impression on me, and one I will never forget.

I thank again the Senator for his good words and his good work today.

Mr. JEFFORDS. Let me share another moment, too. When the Senator mentioned who his teachers were, I thought, let's see if I can remember my teachers. They were Miss Anderson, Miss Maughn, Miss Burns, Miss Brown, Miss Shipp, and then back to Miss Burns for the first six grades. I remember them just as if it were yesterday.

Mr. BYRD. Yes.

Mr. JEFFORDS. But it is amazing what influence teachers have on students, and others. The principal at the high school I went to was a good friend who was a real mentor to me, also.

So we have to do all we can to make sure every child in this country has the ability to get as good an education and have as wonderful teachers as we all had.

Mr. BYRD. Mr. President, I thank both of my colleagues for their generous comments.

I sat and marveled, with great admiration, at the recollections that were expressed by Senator KENNEDY and at what he had to say today about some of the things that have happened in his great State as we try to contemplate the American Revolution, and then his comments concerning David McCullough; and his reference to John Adams.

Some few years ago I read John Adams' "Thoughts on Government." John Adams, I think, has been underestimated—or really has never been fully appreciated, as he should be.

During the Constitutional Convention, he had had his "Thoughts on Government" printed and had passed this work around among the members of the convention. It had a great impact on the members and influenced them very much in their deliberations.

I am glad that David McCullough, who is the right man for the job, is going to have this publication soon concerning John Adams, which leads me to say that knowing of David McCullough's interest in John Adams and knowing of John Adams' influence upon the Framers of the country, I have been interested in trying to get an appropriation for an appropriate monument to John Adams. I understand that David McCullough is also supporting and promoting that idea. I am very much for it.

I thank Senator KENNEDY for what he has said about John Quincy Adams. John Quincy Adams suffered a stroke on February 23, 1848, as he spoke in Statuary Hall. He was a vigorous opponent of America's entry and participation in the Mexican war. He was making this very emotional speech, and he had a stroke. He was taken to the office of the Speaker of the House of Representatives and died 2 days later—John Quincy Adams. He was elected to nine terms in the House, after having served as President.

Senator KENNEDY, we are not supposed to address each other in the first person in this body, but I want to tell you, I really enjoyed what you had to say. I am glad that you have such an appreciation of American history and the great patriots who gave us the Constitution. Senator KENNEDY is a student of history *sui generis*.

Mr. JEFFORDS. And an important part of history.

Mr. BYRD. I thank my friend, Mr. JEFFORDS, for his recollections of teachers. I remember a Miss McCone who taught history. And she asked me a question one day. I said: Huh? And I kept on studying. I was paying attention to my reading, and Miss McCone had not said another word. Next thing I knew, she had walked around the room and she came up behind me and gave me a resounding slap on the cheek and said: ROBERT, don't you ever say "huh" to me again.

I never said "huh" to Miss McCone again.

Mr. KENNEDY. Mr. President, if there is no further discussion of this

particular amendment, we are prepared to accept it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 402.

The amendment (No. 402) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. I again thank both of the Senators.

Mr. JEFFORDS. Mr. President, we have had a wonderful moment here, and I now would like to give the opportunity for others to come and give their moments if they so desire.

VOTE EXPLANATION

Mr. DODD. Mr. President, yesterday, during rollcall vote No. 96, the Mikulski amendment, and No. 97, the McConnell amendment, as modified, I was necessarily absent to attend the funeral of a dear friend, Larry Cacciola, of Middletown, Connecticut.

Had I been present, I would have voted "aye" for each amendment.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

Mr. HAGEL. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND CLIMATE CHANGE POLICY

Mr. HAGEL. Mr. President, in the midst of the energy challenges facing our Nation lies a very unique opportunity. We have a chance to develop energy and environmental policies that work together. A clean environment and a strong energy policy need not be mutually exclusive. The forces of reality have brought us to this point. We have an energy problem that we cannot ignore. We also have a new administration which is re-evaluating our environmental policies, as any new administration would do, to ensure that what we are pursuing, and how we are pursuing it, is relevant, realistic, and achievable.

In the past, there has been a division of these issues. Energy and environmental policies have been considered separately—and mostly at odds with one another. This has led to an unnecessary gap of confidence in both efforts. We have an opportunity to reverse this division and create integrated policies to pursue both criti-

cally important objectives of a steady energy supply and a clean environment.

In the next few days, President Bush will release the administration's new energy policy. This policy will provide a balanced approach to meet the supply and demand imbalance we are now facing in this country. It will reflect our absolute need for a wide and deep energy supply portfolio, including the use of renewable energy and alternative energy sources. It would have been easy to defer this challenge, to delay the tough choices. But that's what got us into this mess. For the last 8 years, this country drifted without an energy policy, and today we are literally paying the price.

Gas prices have hit record levels and are predicted to continue rising. The energy shortages in California will spread to other areas of this country during the hot summer months when the demand for energy will continue to outstrip supply.

Finding solutions to problems requires bold ideas, common sense, imagination and sometimes unpopular choices. President Bush has shown courage and leadership for his willingness to address the problem and develop solutions. As we create a comprehensive and balanced policy to address our energy needs, we need to take into account our environmental priorities, particularly in the area of climate change.

Just one example of where we can do this is nuclear energy production. Like solar and wind power, nuclear power produces no greenhouse gases—zero emissions. It is one of the most cost effective, reliable, available, and efficient forms of energy we have. Vast improvements in technology have made it one of the safest forms of energy production. Having nuclear energy play a vital role in our energy policy will enhance not only our energy supply but our environmental health as well.

President Bush has assembled a cabinet level environmental task force to review climate change. They have been listening to and learning from some of the world's foremost meteorologists, climatologists, physicists, scientists, and environmental experts. The President has said that his administration will offer a science based, realistic, and achievable alternative to the Kyoto protocol.

That is the responsible thing to do. President Bush merely stated the obvious when he declared the Kyoto protocol dead. Although his actions have been criticized, the forthrightness and clarity are refreshing on this issue. The Kyoto protocol would never have been in a position to be ratified by the U.S. Senate. The Clinton-Gore administration knew this as well. That is why they never submitted the treaty to the Senate even for debate and consideration.

Despite the heated rhetoric on this issue from the other side of the Atlan-

tic, no major industrialized nation has ratified the Kyoto protocol. In fact, Australia has said it will follow in rejecting the treaty. There is a reason for that. The Kyoto protocol would not work. It left out 134 nations, some of whom are among the world's largest emitters of greenhouse gases. A treaty claiming to attempt to reduce global emissions of greenhouse gases has no chance of being effective when it exempts some of the largest greenhouse gas emitters in the world—nations like China, India, South Korea, Brazil, and 130 other nations.

My colleague from West Virginia, Senator BYRD, whom I worked with in 1997 on S. Res. 98, addressed this point last week. S. Res. 98, or the Byrd-Hagel resolution, which the Senate agreed to by a vote of 95 to 0, stated that the United States should not agree to any treaty in Kyoto, or thereafter, which would place binding limits on the United States and other industrialized nations unless "the protocol or other agreement also mandates new specifically scheduled commitments to reduce greenhouse gas emissions for Developing Country Parties within the same compliance period." As Senator BYRD reiterated last week, developing countries must be included in any international agreement to limit greenhouse gas emissions.

From the moment it was signed, the Kyoto protocol was never a realistic or achievable way to move forward on climate change. In the meantime, we've lost precious time when we could have been exploring achievable and realistic ways to reduce greenhouse gas emissions. We have an opportunity now to discard an unworkable protocol and build a new consensus that will address climate change, and initiate efforts that are realistic and achievable.

The United States is still a party to the Framework Convention on Climate Change (Rio Treaty), which was signed by the United States and ratified by the U.S. Senate in 1992. We should go back to the framework of that treaty, before the Berlin Mandate that excluded developing countries from participation, and lay the groundwork for future international efforts. This gives us a strong base to work from. Many of the discussions during the negotiations for the Kyoto protocol have worked to build consensus on areas that will need to be part of any international initiative—flexible measures to reduce greenhouse gas emissions, the role of carbon sinks, and other areas. We can build on this progress in developing an alternative to Kyoto.

If we are creative and if our partners will work with us in good faith, we can negotiate arrangements that are responsible and proactive. By addressing this issue domestically, the United States can demonstrate our commitment to climate change and show that meeting this challenge can be done in an integrated way that ensures a sound energy supply and economic stability. The world will not be better off if the

United States slips into an energy crisis or if our economy falters. Both would set off shock waves that would reverberate around the world. By creating our own integrated policy, we can provide direction for how the world can address the dual challenges of energy and climate change.

Senators MURKOWSKI and BREAUX have introduced a comprehensive energy bill, of which I am an original co-sponsor, that will increase our domestic resources, and increase the use of renewable and alternative fuels. In the last Congress, Senators MURKOWSKI, BYRD, CRAIG, and I had legislation that would dramatically increase funding for the research and development of technologies to provide cleaner energy sources, and to incentivize efforts to reduce or sequester greenhouse gases. We are building upon that legislation and will be reintroducing it soon. It will improve our scientific knowledge and lay out positive steps that we can take now to address climate change.

A forward-looking domestic policy will demonstrate our commitment to this important issue, enhance what we genuinely know about climate change, create more efficient energy sources, include the efforts of our agricultural sector, and have the additional effect of reducing air pollutants.

Mr. President, as I stated earlier, we have an historic opportunity to create policies that will address both our energy and environmental priorities in a way that is not mutually exclusive. Policies that compliment each other and work together. As we enter the 21st century, we face a world that is integrated like never before in history. Just as foreign policy cannot be considered separate from national security or trade policy—energy policy cannot and should not be considered separate from environmental and economic policy. What we do in one policy area has dramatic implications for another—both in our nation and across the globe. Building sound policies for our future requires that we create integrated policies to address the challenges facing America and the world.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

MOTHER'S DAY

Mr. BYRD. Mr. President, this Sunday is Mother's Day. In an annual tribute as old as the holiday itself, all across America, families will demonstrate just how essential mothers are to the smooth functioning of our families. How will they do this? They

will serve mother breakfast in bed. Youngsters will rise early and attempt to sneak past their sleeping mother to reach the kitchen undetected. And despite the keenness of a mother's hearing—just ask any teenager who has been caught coming in too late how keen it is—a mother's soft heart will keep her breathing even and her eyes gently shut as this stealth attack on her kitchen is made. Toast will be burnt, eggs—well, they will be runny, coffee may be the consistency of tar, and the flowers freshly plucked from the prized beds outside the window may be presented in a juice glass because no one knows in what dark cupboard mother hides her nice vases.

Why are these mealtime disasters met by smiles and nods of recognition? Simply because mothers do their many jobs so well. Day after day, week after week, month after month, the meals get cooked, the dishes done, the laundry folded, the house cleaned up, in a never-ending routine performed by loving, busy, efficient hands—mother's hands. Despite all the changes in American families, it is still the mother, whether or not she also works outside the home, who does most of the household chores. So, when other family members, particularly the younger ones, attempt to take over mom's role for even one meal, their inexperience shows, highlighting in its comedy mom's effortless mastery of her crowded schedule.

Children who do not attempt to serve mother breakfast in bed may instead make reservations for brunch. That's another Mother's Day tradition. And on this day, long distance telephone circuits will be busier than usual. Florists, too, will be working overtime to deliver flowers, just as the postman will have carried more flowery cards and calorie-laden packages of sweets than bills in the leather bag slung over his shoulder.

Mothers deserve far more recognition and far more applause than can be delivered on just one day. Even women who are not mothers in the traditional sense exercise their inborn mothering skills all around us—the co-worker whose desk serves as the office pharmacy for headaches, colds, and just plain sympathy—these coworkers are mothers. The neighbor who picks up the mail and newspapers when we are out of town, and who we know is watching over our house while we are away, these are mothers, really. The woman who feeds stray animals and birds—those women are mothers. Without them, we could not function and society would fray and tear just a bit more.

Even in a world of automated teller machines and on-line banking, one still needs to know how to multiply and divide in one's head to be sure that the bank has not made a mistake in one's account. One still needs to be able to think, to analyze, to cogitate, to compute. It does not all need to be done in some glitzy new way in order to be ef-

fective. There is still a place for the tried and true, even for rote memorization. After all, what child does not learn the alphabet by memorizing the alphabet song? Of course, that simple tune was likely not taught by a teacher in a school but by a mother, perhaps in a nursery, using the same melody line as "Twinkle, Twinkle, Little Star."

All parents are teachers, by deed as well as by example. When a mother and child bake cookies together, that mother effortlessly includes lessons in mathematics, chemistry, and reading, in addition to teaching order and discipline. And what sweeter way to take those lessons than by reading and following a spotted and time-worn family recipe, measuring out a half of a teaspoon of salt or a tablespoon and a half of vanilla, adding ingredients in the proper order and mixing long enough but not too long, then dropping even rows of dough on a baking sheet and waiting for the edges to crisp and turn brown. Taken separately, flour and egg, spices and chocolate, do not look especially mouth-watering, perhaps. But is there anything more sublime than warm chocolate chip cookies still tender from the oven, washed down with a glass of icy cold milk? "Ah, how sweet it is," and Jackie Gleason used to say. Not when you are 10 years old, I suspect. Perhaps not ever. Those are the lessons, and the memories, that mothers give us every day.

We learn life's essential lessons at our mother's side. They may not be life's greatest lessons, yet they may be. They may not be earth shattering new inventions may result, no cosmos-clarififying theorem be inspired—but they are essential nonetheless. When mothers read stories at night, and when they wash grimy hands and smeared faces, when they nag children to pick up their toys and put away the clean laundry, when they scold children for not sharing with a playmate or for perhaps hitting a playmate, they teach more than reading, more than cleanliness, more than tidiness, more than manners: they teach love. They teach respect for themselves, for oneself, and for others. These are lessons that last a lifetime. They are ingrained. They are what we teach our children. They are how we live our lives. Mothers—they are what make society work. Even as adults, in times of trouble, we may seek solace in a prayer learned in the dim bedrooms of an earlier time, when our mother's voice led us in "Now I lay me down to sleep, I pray the Lord my soul to keep."

For all that mothers have to do each day, for all the lessons they teach, setting aside one day each year to honor them is but a small down payment on the debt of love and gratitude that we owe. My own angel mother, having died when I was just a year old, left no memories for me.

But to her, that angel mother whose prayers have followed me in all the days of my years, and to the kind

woman, my aunt, who took me to raise as her own, I say on this day: Thank you. Thank you. I know—I know that they hear. They are in heaven today. And to my wife Erma, to whom I shall be married 64 years, 3 weeks from this past Tuesday, she has mothered me, too, my wife Erma, and she has continued my raising since I met her in the schoolyard long ago. To my wife Erma, who raised my two precious daughters to be the strong and resourceful women and mothers that they are, I say a heartfelt, "Thank you!" I have been in good hands, and I am grateful on this Mother's Day and every day. And to all the mothers in America who work so hard each day to keep our lives orderly and well fed, and who remind and nag and scold and coach and encourage and hug and mold their children into happy, loving, responsible people, I say on behalf of all mothers, "Thank you!" "Thank you", mothers.

Mr. President, I would like to close with a poem that I learned a long time ago, and which illustrates nicely that combination of education that mothers provide, both practical and spiritual.

I want to dedicate it to our pages today, these fine young people. They are all juniors in high school. They will be calling their mothers, I will bet.

It is called "A Pinch of This, A Pinch of That."

Have you ever heard that said, "a pinch of this, a pinch of that"?

When Mother used to mix the dough,
Or make a batter long ago;

When I was only table high,
I used to like just standing by
And watching her, for all the while,
She'd sing a little, maybe smile,
And talk to me and tell me—What?

Well, things I never have forgot.
I'd ask her how to make a cake.
"Well, first," she'd say, "Some sugar take
Some butter and an egg or two,
Some flour and milk, you always do,
And then put in, to make it good—"

This part I never understood
And often use to wonder at—
"A pinch of this, a pinch of that."

And then, she'd say, "my little son,
When you grow up, when childhood's done,
And mother may be far away,
Then just remember what I say,
For life's a whole lot like a cake;

Yes, life's a thing you have to make—
Much like a cake, or pie, or bread;
You'll find it so," my Mother said.

I did not understand her then,
But how her words come back again;
Before my eyes my life appears
A life of laughter and of tears,
For both the bitter and the sweet
Have made this life of mine complete—
The things I have, the things I miss,
A pinch of that, a pinch of this.

And, now I think I know the way
To make a life as she would say:
"Put in the wealth to serve your needs,
But don't leave out the lovely deeds;
Put in great things you mean to do,
And don't leave out the good and true.
Put in, whatever you are at,
A pinch of this, a pinch of that."

Mr. President, I yield the floor.

The PRESIDING OFFICER. I thank the Senator from West Virginia for speaking on behalf of all the Senators and all the people in America.

Mr. BYRD. Mr. President, I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN SERVICEMEMBERS' PROTECTION ACT

Mr. HELMS. Mr. President, in rejecting U.S. membership in the U.N. Human Rights Commission, the strongest voice for freedom in the world has been silenced at and by the United Nations.

Clearly, Members of the United Nations are far more comfortable with a definition of human rights which is agreeable to rogue nations like Libya and Sudan. This is precisely the sentiment which created the International Criminal Court. If the signatories to the Rome Treaty proceed to establish a permanent International Criminal Court, we need an insurance policy against politicized prosecution of American soldiers and officials.

This bill is just that protection, and let me be absolutely clear, the Rome Treaty, if sent to the United States Senate for ratification, will be dead on arrival.

Notwithstanding the fact that the Senate will not ratify this treaty, it is, to my knowledge, the first treaty which would be applicable to the U.S. even without the United States consent. This is, to say the least, an appalling breach of American sovereignty and it will not stand.

But, there will be real consequences if the United States remains silent in the face of this outrage. It is easy to imagine the U.S. or Israel becoming a target of a U.N. witch hunt, with officials or soldiers being sent before judges handpicked by undemocratic countries.

I am pleased that the able Senator from Georgia, ZELL MILLER, is joining in the introduction of this bill. It will help President Bush signal that the United Nations will have to go back to the drawing board when dealing with war crimes. If any such treaty creating a war crimes court does not include the opportunity for a U.S. veto, I will make certain that the Senate vetoes the treaty.

GUNS AND SUICIDE

Mr. LEVIN. Mr. President, this week, May 6-12, is National Suicide Prevention Week. Suicide is the eighth leading cause of death in the United States. This devastating tragedy takes the lives of more than 30,000 Americans each year, and brings suffering and loss to the lives of the friends and family who are left behind. Citing suicide as a

"national public health problem," the U.S. Surgeon General recently announced a national strategy for suicide prevention. Central to the strategy is promoting awareness of the fact that suicide is, indeed, preventable and that we must all do our part to help end this tragedy.

One of the Surgeon General's main goals for preventing suicide is to reduce access to lethal means of suicide of which guns are the most deadly. I commend the Surgeon General for recognizing the need to address the role that guns play in our Nation's staggering suicide rate. Firearms account for 60 percent of all suicides, making them the most commonly used method of suicide and;

Each year more Americans die in suicides by firearms than in murders by firearms. The national suicide prevention strategy recommends a public campaign to reduce the accessibility of lethal means of suicide, including firearms, and urges the gun industry to improve firearm safety design. These aims are backed by evidence that limiting access to lethal means of suicide and self-harm can be an effective strategy to prevent suicide attempts and other self-destructive behaviors. In fact, studies have shown that there is a separate, additional risk of suicide when there is a handgun in the home. Moreover, limiting access to lethal means of suicide, especially handguns, can reduce the number of suicide attempts that are fatal. While more than 650,000 Americans attempt suicide each year, the chance that the attempt will be fatal increases dramatically in those cases where a handgun is used.

The relationship between handguns and suicide is even stronger among young people. Every 46 minutes a young person in this country kills himself or herself, over 60 percent of the time with a firearm. And these numbers are continuing to increase: the youth suicide rate has nearly tripled since 1952, making suicide the third leading cause of death among young people 15 to 24 years of age. There is no question that the increased access young people have to guns has been a major factor in this rise. In fact, one of the most rapidly rising suicide rates in this country is among young African-American makes, increasing 105 percent between 1980 and 1996, and this rise can be attributed almost entirely to suicides by firearms.

The Surgeon General has stated that "we should make it clear that suicide prevention is everybody's business. I believe the Surgeon General is right. Suicide is a national problem that demands our attention and our commitment. Congress should do its part to help prevent suicide by encouraging the manufacture of safer handguns and by closing the loopholes that allow young people easy access to handguns.

THE MOSCOW HELSINKI GROUP

Mr. CAMPBELL. Mr. President, May 12th marks the twenty-fifth anniversary of the founding of one of the most significant human rights groups of the 20th century, the Moscow Group to Monitor Implementation of the Helsinki Final Act.

On August 1, 1975, the United States, Canada, and thirty-three nations of Europe, including the Soviet Union, signed the Final Act of the Conference on Security and Cooperation in Europe, the Helsinki Final Act. Among the agreement's provisions was a section devoted to respect for human rights and fundamental freedoms.

The Soviet government viewing the document as a great foreign policy victory published the text, in its entirety, in "Pravda," the Communist Party's widely circulated newspaper. That move proved to be decisive for the cause of human rights in the Soviet Union. A small group of human rights activists in Moscow, led by Professor Yuri Orlov, read the Helsinki Accords carefully and decided to take their government at its word.

On May 12, 1976, at a press conference initiated by Dr. Andrei Sakharov, the group announced the creation of the "Moscow Group for Assistance in Implementation of Helsinki Agreements," soon to be known simply as the Moscow Helsinki Group.

Needless to say, the Soviet authorities were not pleased that a group of private citizens would publicize their government's deplorable human rights record. The KGB swept down on the Moscow Helsinki Group and made its work almost impossible. Members were imprisoned, sent to "internal exile," expelled from the country, slandered as foreign agents, and harassed.

Despite considerable hardship and risks, members of the group persisted and their work served to inspire others to speak out in defense of human rights. Soon similar groups sprang up elsewhere in the Soviet Union dedicated to seeking implementation of the Helsinki Final Act. By 1982, the three remaining members at liberty in Moscow were forced to suspect their public activities.

Eventually, domestic and international pressure began to bear fruit and helped usher in dramatic changes under Soviet leader Mikhail Gorbachev. Political prisoners and prisoners of conscience began to be freed and longstanding human rights cases were resolved.

In 1989, the Moscow Helsinki Group was reestablished by former political prisoners and human rights activists. In 1996, President Boris Yeltsin signed a decree formally recognizing the contribution of the Moscow Helsinki Group in the campaign to promote respect for human rights in Russia.

Mr. President, ten years after the fall of the Soviet Union, the Moscow Helsinki Group continues to promote human rights and fundamental freedoms in the Russian Federation. Work-

ing with a network of human rights centers throughout the country, the Moscow Group provides a wide range of assistance to Russian citizens and residents seeking information about human rights.

As Chairman of the Commission on Security and Cooperation, I congratulate the Moscow Helsinki Group on its 25th anniversary and wish its members the best in their continued endeavors.

Thank you, Mr. President. I yield the floor.

FREEDOM RIDERS

Mr. DURBIN. Mr. President, today, after the Senate finishes its business for the week, many of us will be returning to our home states. I will be flying to my home state of Illinois. And I can anticipate that the trip, for the most part, will be without incident.

However, this wasn't the case for African Americans 40 years ago. Forty years ago, desegregation laws in bus and train stations, as well as their waiting rooms and restaurants, prohibited African Americans from enjoying the same facilities as their white counterparts. The Supreme Court issued a ruling calling for the desegregation of interstate travel. However, this had to be tested.

The Congress of Racial Equality selected a group of students to make a two week trip through the South in nonviolent protest of racial desegregation laws. Congressman JOHN LEWIS was one of those students who was later joined by Rev. Martin Luther King, Jr. These civil rights activists became known as the Freedom Riders. But unlike the travel we are all used to, their ride was filled with fear and brutality. Prior to embarking on this historic journey, the students were told to make out their last will and testament, just in case. But like most youths, they thought themselves invincible. They had no idea how truly dangerous and bloody their mission would become.

One white rider, Jim Zwerg, who joined the riders because he could no longer stand the injustice, had three of his vertebrae cracked, all of his teeth fractured, his nose broken, and suffered from a concussion. The Klan thought that he and other white Riders were betraying them.

On Mother's Day in Alabama, the young Freedom Riders were greeted by a mob of 200 with stones, baseball bats, lead pipes and chains. One Freedom Rider bus had its tires slashed and was stopped by an angry mob. An incendiary device was thrown inside the bus causing it to fill with smoke. And the angry mob held the door closed so that the Riders would burn inside.

The Riders were saved when the fuel tank exploded causing the mob to back away from the bus and allowing the Riders to escape before the bus was completely engulfed.

The Freedom Riders never made it to their destination of New Orleans. But

they achieved their objective. Attorney General Robert Kennedy ordered that the Supreme Court ruling finding segregation in interstate bus and rail travel unconstitutional be enforced.

The Freedom Riders became an inspiration to thousands of Americans to join the cause of tearing down racial inequality. It was a critical moment in the civil rights movement. About 300 protesters had joined the crusade, including our colleague Senator LIEBERMAN. This weekend marks that historic day 40 years ago.

I want to recognize and pay tribute to my colleagues and original Freedom Rider Representative JOHN LEWIS, as well as Senator JOE LIEBERMAN, who also took an active role in the South in the early 1960s volunteering to register African Americans to vote.

But even after 40 years, our nation still confronts racial problems everyday. In cities all across America, we can plainly see evidence of inequality, and injustice.

I am concerned that African Americans represent 12 percent of the U.S. population (some sources reflect 13 percent) and 13 percent of its drug users. Yet African Americans comprise 35 percent of all those arrested for drug possession and 55 percent of those convicted of drug possession. Five times as many whites use drugs as African Americans, but African Americans comprise the greatest majority of drug offenders sent to prison. Race appears to be a clear factor.

Yet, I also believe, there is still hope. I believe that justice can, and will prevail, if we are all diligent in pursuing the goals of peace and respect for each other that the brave men and women of the Freedom Riders set forth for the nation to follow back in 1961.

I am hopeful because we know that our system of criminal justice works. It may not be perfect, but it always strives to do right.

On September 15, 1963, a violent bomb went off in the Sixteenth Street Baptist Church in Birmingham, Alabama, blasting the silent tranquility of that Sunday morning. That devastation also claimed the lives of four young African American girls, Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley, who were preparing for a church youth service that day.

Almost 40 years after this brutal hate crime was committed, justice finally prevailed last week when a Birmingham jury convicted Thomas Blanton of plotting the church bombing. During the closing argument, United States Attorney Doug Jones said, "It's never too late for the truth to be told. It's never too late for wounds to heal. It's never too late for a man to be held accountable for his crimes."

That's right. It is never too late to pursue justice in the face of injustice. And it is never too late to thank the Freedom Riders and all the other civil rights activists of the 1960s for their courage in standing up for justice.

DEMOCRACY UNDER SIEGE IN BELARUS

Mr. CAMPBELL. Mr. President, I wish to update my Senate colleagues on developments in Belarus in my capacity as Chairman of the Commission on Security and Cooperation in Europe, the Helsinki Commission. The Commission continues to pay close attention to events in Belarus especially as they impact democracy, human rights and the rule of law.

May 7 marked the second anniversary of the disappearance of Yuri Zakharenka, the former Belarusian Minister of Internal Affairs. In 1999, General Zakharenka, who had been critical of Belarusian leader Alexander Lukashenka and had attempted to form a union of officers to support democracy, was put in a car by unidentified men and taken away. He has not been heard from since. His fate is probably similar to other prominent Belarusian opposition figures who have disappeared over the last few years, notably Victor Hanchar, Antoloy Krasovsky and Dmitry Zavadsky. The Belarusian authorities have had no success in investigating these disappearances; indeed, there are indications that the regime of Alexander Lukashenka may have been involved. Opinion polls in Belarus have shown that a clear majority of those who are aware of the disappearances believe that they are the work of the Lukashenka regime.

These disappearances embody the climate of disregard for human rights and democracy that has persisted since the election of Mr. Lukashenka in 1994. That disregard has intensified following his unconstitutional power grab in November 1996.

Presidential elections are planned for later this year. Unfortunately, recent developments in Belarus do not inspire confidence that these elections will meet OSCE standards for free and democratic elections. Despite commitments made to the OSCE, Belarusian authorities continue to unlawfully restrict freedom of assembly and to beat and detain participants in peaceful demonstrations, as illustrated by the April 21 protest by youth activists. On April 27, Valery Shchukin, deputy of the disbanded Belarusian parliament, received a three month sentence for the dubious charge of "malicious hooliganism." And on May 7, police arrested opposition activists who marked the anniversary of Yuri Zakharenka's disappearance. The activists held placards reading: "Where is Zakharanka?"; "Who's Next?"; and "Where are the Disappeared People—Zakharanka, Hanchar, Krasousky, Zavadsky?"

Lukashenka continues his harsh assault on OSCE's efforts to develop democracy, characterizing domestic elections observers supported by the OSCE Advisory and Monitoring Group (AMG) as "an army of bandits and collaborationists." This is only the last in a series of incredible accusations against the international community, includ-

ing far-fetched allegations that \$500 million had been earmarked in support of the opposition candidates. On April 25, the OSCE Representative on Freedom of the Media Friemut Duve canceled his visit to Belarus to protest the denial of a visa to his senior advisor, a U.S. diplomat Diana Moxhay who had earlier served at the U.S. Embassy in Minsk. The visit was to have examined the difficult media environment in Belarus, especially in light of the forthcoming presidential elections.

I continue to have grave concerns that Presidential Directive No. 8, which imposes restrictions on assistance from abroad offered to NGOs for democracy building and human rights including election monitoring, could be used to block NGO activities and important OSCE AMGroup projects in Belarus.

These and numerous other recent occurrences call into question the Belarusian government's willingness to comply with freely undertaken OSCE commitments and raise doubts as to whether the Lukashenka regime intends to conduct the upcoming elections in a manner consistent with international standards.

As Chairman of the Helsinki Commission, I call upon the Belarusian authorities to conduct a real and public investigation of the disappearances. Furthermore, I urge the Belarusian Government to take the steps necessary in order for the presidential elections to be recognized as free and democratic as outlined by the March 7 Final Statement of the Parliamentary Troika. These are: transparency and democracy in the preparation and implementation of the elections, in particular the process of registration of the candidates, the composition of electoral commissions and counting of votes; equal access for all candidates to the mass media; refraining from harassment of candidates, their families and supporters; and freedom in carrying out their work for all those engaged in domestic election observation.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to detail a heinous crime that occurred September 22, 2000 in Roanoke, VA. Ronald Edward Gay, 53, allegedly walked into the Backstreet Café and opened fire on patrons, killing one person and wounding six others. Gay told police that he shot seven people in a gay bar because he was angry about jokes people made about his last name. Gay has been charged with first-degree murder in the death of Danny Lee Overstreet. Police have said that Gay admits shooting people "to get rid

of, in his term, 'faggots,' saying that Gay was upset over the fact that people made fun of his last name."

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe by passing this legislation we can change hearts and minds as well.

SUPPORT FOR PUBLIC POWER

Mr. JOHNSON. Mr. President, on April 24, 2001, I voted to report S. 206, legislation which would repeal the Public Utility Holding Company Act, out of the Senate Banking Committee. I did so with strong reservations. I have been one of the strongest supporters of public power during my service in Congress. Public power has been extremely beneficial for my State. Without the initiative and determination of the municipal utilities and the rural co-operatives in the early part of this century, South Dakota and the neighboring states would not have received electricity as soon as they did. Since then, these entities have provided South Dakota with reliable electricity and energy services.

In addition, I have had a long record of support for public power. This includes authoring an amendment during committee consideration in the House of Representatives that helped stop the sale of the public power administrations that House Republicans attempted to sell in 1995. Moreover, I have worked closely with the rural electric coops, municipal owned utilities and rural telephone coops on a number of issues. Recently, I was graciously given an award from the South Dakota Rural Electric Cooperatives and the Congressional Leadership Award from the National Telephone Cooperative Association in recognition of the work we have done together.

I have concerns about S. 206 and am not committed to voting for it on the floor. I believe that more needs to be done to ensure that sustainable, competitive markets are in place that will keep prices affordable and that will discourage undue concentration. I pledge to work with all parties on this effort so that any legislation that is considered will be fair to public power and its concerns.

CONGRATULATIONS TO THE RUSSIAN JEWISH CONGRESS

Mr. SMITH of Oregon. Mr. President, I rise today to congratulate the Russian Jewish Congress for laying the cornerstone of the Archipova street Community Center near the Moscow Choral synagogue. I think it is also important to thank the Chief Rabbi of Moscow, Rabbi Pinchas Goldschmidt, the spiritual guide of the Russian Jewish Congress, for the restoration of the Choral Synagogue dome which was destroyed under an anti-Semitic decree

of the pre-revolutionary Moscow government.

The Russian Jewish Congress was established in January 1996. In the years since then it has been a stalwart combatant of racism and anti-Semitism in Russia establishing 50 branch offices throughout the Federation. In 1998 the Congress completed the Holocaust Memorial Complex on Poklonnaya Gora in Moscow, the first Holocaust museum in Russia. In addition the Russian Jewish Congress arranged for the restitution of funds disbursed to Holocaust survivors in Russia to be tax exempt.

Finally, I would like to note the work of Mr. Yuri Luzhkov, Mayor of Moscow, for his initiative to restore the Choral Synagogue and the surrounding area, including erecting a replica of Jerusalem's Wailing Wall, symbolizing the suffering of the past as well as the hope for the future of Russian Jewry. I congratulate all of you for your dedication and hard work on behalf of the Jewish Community in Russia.

WAGRO ANNUAL TRIBUTE TO THE MARTYRS OF THE WARSAW GHETTO

Mrs. CLINTON. Mr. President, on April 22, 2001 I delivered a statement before the Warsaw Ghetto Resistance Organization's, WAGRO, Annual Tribute to the Martyrs of the Warsaw Ghetto, at Temple Emanuel in New York City. I ask unanimous consent that my remarks be printed in the RECORD along with the statement delivered on the same day by Mr. Benjamin Mead, President of the Warsaw Ghetto Resistance Organization, WAGRO.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mrs. CLINTON. Good afternoon.

It's an honor for me to be here as your Senator, but more than that, as a fellow human being who is called upon to remember. I am also pleased to be here with the Governor, the Mayor, and my friend and partner, Senator Schumer.

I would only add to the strong words that Senator Schumer has just expressed, for most of us, if not all of us. That in addition to the Jewish people and the people of Israel, protecting themselves, the government and the people of the United States must stand with the government and people of Israel in that endeavor. And we will reassert as strongly as possible the need for our government to do that in every way necessary.

What brings us here today as we commemorate the six million Jewish martyrs and the 58th Anniversary of the Warsaw Ghetto Uprising, is not to relive the pain for those of us who can't possibly imagine. But to honor and respect the survivors and to join together in pledging that the sacrifice and the spirit was never extinguished, never given in vain.

I remember being in Warsaw with Ben and Vladka and looking at some of the same places that he referred to, that he saw with horror as a young man, as the Warsaw Ghetto was burned. And as we remember Warsaw and as we do again today in New York. Those young people, primarily young people, who struggled, who understood the central mission of their fight: to live with honor.

And what a struggle and what fighters and what an army they were. The Warsaw Ghetto fighters constituted an army of hope. These young soldiers, who smuggled arms, created bunkers, established a system of intelligence and organized their community, they transformed a ghetto, which the Nazis had established as a mere way station to the death camps, into a battlefield.

The Warsaw Ghetto fighters turned their vulnerability and disadvantage, into an esprit de corps that shocked their enemy. Let us not forget, it took the Nazi troops longer to put down the ghetto revolt than it took to conquer all of Poland.

When I read about or think back or when Ben or Vladka or others tell me of the first hand experience of what those days were like, I imagine the months of organizing and smuggling and hiding, that made that uprising possible. I imagine as though it were a ray of light penetrating the walls of the ghetto. The constant renaissance of spirit and courage that took place under the worst of all possible conditions.

And I especially felt that, Vladka, after reading your poignant account of the resistance. I commend that to you, as I do the real life experiences and remembrances that we should be passing on and teaching to our children.

Vladka describes the feeling of standing on the brink of an abyss. She conveys the sense of despair that pervades the emptied, ravaged ghetto. She recalls that, "All roads in the ghetto seemed to lead to Treblinka; there was no escape."

And yet at the moment when all seemed lost, something changes. And she tells the story of the resistance and describes the hidden hope and the gathering storm of courage brewing beneath the ruins. She eloquently writes, "A spark had been smoldering . . . in the ghetto. Now it began to glow, slowly, tentatively at first, then ever more fiercely."

As I watched the women climb the steps to light the candles, I thought about that flame. I thought about the flame of determination and yes, even triumph. That flame that today stands as the greatest rebuke, not only to the Nazis, but anti-Semites and evildoers everywhere. That flame did keep hope and courage alive and with it, the will to live.

One of my favorite biblical passages comes from the book of Deuteronomy. God has gathered his people together to explain their obligations to him and to each other. And He tells them, "Before you I have placed life and death, the blessing and the curse. You must choose life, so that you and your descendants will survive." Even in the darkest hours of the Holocaust, in the death camps and certainly, in the Warsaw Ghetto that is the choice the martyrs, heroes and survivors made. They chose life.

And we today, in some small and totally inadequate way, not only remember them, but come to thank them for reminding us that we must always choose life as well.

Thank you and God bless you.

FROM REMEMBRANCE MUST COME TRUTH AND UNDERSTANDING

Mr. MEAD: This week, as Jews come together to remember, from Jerusalem to Buenos Aires from New York to London, Paris, Toronto, we find ourselves asking the same painful and unanswered questions which have tormented us for the past years: How could the nearly total destruction of European Jewry have happened? How could the world have stood by silently?

Why were we left so alone and abandoned? Language does not exist to describe what our people endured in those years. We tremble to think what could happen if we allow a

new generation to arise, ignorant of the tragedy which is still shaping the future.

The dread we have carried in ourselves from the Holocaust has just been aroused again with the publication of shocking details about the atrocious murder of the 1600 Jews in Jedwabne, Poland.

On a single day in July, 1941, a German mobile killing unit had arrived to "cleanse" the town of the Jews who made up half of its population. But their "Neighbors" decided to take the genocide into their own hands. They went on a murderous rampage, killing Jews in the streets. Then they rounded up a thousand more Jews and burned them alive in a barn. Of the town's Jewish population, only seven people survived who were in hiding.

The people who murdered those Jews were not strangers. They were not members of an elite political party committed to racial genocide. Nor were they soldiers taking orders. They were their neighbors.

We have good reason to fear that there are many more Jedwabne's which have yet to come to light. We are here to remember each community of Jews, which was destroyed.

We must also remember that there were righteous gentiles among the Polish population, and throughout Europe, who risked and even sacrificed their lives to protect Jews. I would not be here myself if it had not been for some of those courageous and heroic people. But how few they were.

The realization that so many participated and collaborated with our enemy in the nearly total destruction of European Jewry reminds us that the impossible is possible—that the unthinkable can happen. So many stood silently by and watched as the horrors took place before their eyes, so many blinded themselves from recognizing the barbarity of what they saw, and were deaf to our cries for help.

Fifty-eight years ago, during the Warsaw Ghetto uprising, I stood in Krasinski Square outside a Catholic church which faced the ghetto wall, a young Jewish boy posing as a gentile. The air throbbed with the blasts of German artillery bombardment. A carousel turned, music blared, and children and their parents rode as I watched the horrifying sight of the ghetto burning. Its houses were in flames, and its remaining inhabitants jumping out of windows. I could not believe that the people around me actually rejoiced and reveled, declaring, "the Jews are frying!"

It is not for us to grant forgiveness for the crimes of the Holocaust. That can come only from the victims. We cannot forget the Nazis Germans who ordered the "Final Solution." Nor can we forget either the "willing executioners" who participated in the systematic genocide, or the by-standers.

We are learning and documenting how hatred and greed motivated and aided in the destruction of our people. Germany and individuals throughout Europe profited by using Jewish slave labor for military purposes, and for the production of consumer goods for their home front as well.

Last Thursday, the State of Israel observed Yom Ha Shoah—everything came to a standstill. Today we stand in resolute solidarity with our brothers and sisters in Israel, where a large community of Holocaust survivors resides, where Arab violence must come to an end, and where both Jews and Arabs must forge a common peaceful destiny. After the Holocaust, we survivors chose life, not hatred; we chose to struggle for understanding rather than to take revenge. We continue to build new families, new generations. We must do all that is possible to ensure that those who follow us will not face evil, ruthless destruction, as was visited upon us. Thus, we remember the past for the sake of our future.

Now, more than at any other time in history, the world's wellbeing depends upon the awareness of humankind's interlocking fate. We Holocaust survivors, for whom there were so many enemies and so few rescuers, are determined to extend our commitment to remembrance, education and documentation by bearing witness to what we experienced as fully as we can.

We now stand at a half-century's distance from the events which shaped our lives and reshaped history. We look back and remember. Our memory is a warning, for all people and all time.

Let us remember!

NOMINATION OF JOHN P. WALTERS

Mr. McCAIN. Mr. President, I am pleased to announce my strong support for President Bush's selection of John P. Walters as the next Director of the Office of National Drug Control Policy.

John will bring two decades of drug policy experience in the non-profit sector and in government to his mission as the nation's drug czar. His passionate commitment to improving the quality of our society by decreasing drug use through effective drug education, treatment, and interdiction programs has already touched the lives of many Americans. I trust that the Bush Administration will give him the resources and authority his position requires as a sign of its determination to cut drug use in America and provide the moral leadership essential to this task.

Many of John's advocates will note his impressive record of public service in the fields of drug interdiction, treatment, and education. John distinguished himself during the first Bush Administration as Deputy Director for Supply Reduction, Chief of Staff and National Security Director, and Acting Director of the Office of National Drug Control Policy. During the Administration of President Reagan, John served as Chief of Staff and Counselor to the Secretary of Education, as well as Assistant to the Secretary, the Secretary's Representative to the National Drug Policy Board, and the Secretary's Representative to the Domestic Policy Council's Health Policy Working Group.

But John's work outside of government is equally admirable. John is currently serving as President of the Philanthropy Roundtable, a national association of charitable donors who are doing great work in our communities. He was previously President of the New Citizenship Project, an organization created to promote greater civic participation in our national life. John also served on the Council on Crime in America, a bipartisan commission on violent crime co-chaired by former Drug Czar Bill Bennett and former Attorney General Griffin Bell.

In 1988, John created the Madison Center, a non-profit organization dedicated to early childhood education and drug abuse prevention. From 1982 to 1985, he served as Acting Assistant Di-

rector and Program Officer in the Division of Education Programs at the National Endowment of the Humanities.

I am confident John will bring strong leadership to our efforts to cut drug use. Not so long ago, Nancy Reagan taught our young people to "Just Say No" to drugs. That was just one demonstration of committed leadership at the national level. What Nancy Reagan started was followed up by engaged national leadership, including Drug Czar Bill Bennett, who used the bully pulpit to change attitudes, and in the process helped rescue much of a generation. Drug use declined by more than a third in the wake of the Reagan-Bush effort, and teen drug use, the pipeline to future addiction, dropped even faster.

In fact, drug use in America has declined by 45 percent since 1985. Drug prevention, education, and interdiction can make a tangible difference in the supply and use of drugs in this country. Moral leadership is critical. Unfortunately, the overall decline in drug use obscures a rise in drug consumption of 15 percent during the last seven years and a near doubling of teen drug use over the past 8 years.

John Walters' emphasis on targeting both drug supply and demand through effective drug treatment programs, and his laudable call for cultural leadership in fending off illegal narcotics' assault on our blessed youth, will help reverse years of drift in our counter-drug policies. I hope he can also play a useful role in refining our drug interdiction strategy in the Andean region and reforming a drug certification law that does more to hinder than help our drug reduction efforts overseas. I look forward to John's leadership on these issues, backed by the personal support of the President, and commend his speedy confirmation to my colleagues.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 9, 2001, the Federal debt stood at \$5,643,268,010,418.43, five trillion, six hundred forty-three billion, two hundred sixty-eight million, ten thousand, four hundred eighteen dollars and forty-three cents.

One year ago, May 9, 2000, the Federal debt stood at \$5,662,963,000,000, five trillion, six hundred sixty-two billion, nine hundred sixty-three million.

Five years ago, May 9, 1996, the Federal debt stood at \$5,088,829,000,000, five trillion, eighty-eight billion, eight hundred twenty-nine million.

Ten years ago, May 9, 1991, the Federal debt stood at \$3,435,605,000,000, three trillion, four hundred thirty-five billion, six hundred five million.

Fifteen years ago, May 9, 1986, the Federal debt stood at \$2,012,034,000,000, two trillion, twelve billion, thirty-four million, which reflects a debt increase of more than \$3.5 trillion, \$3,631,234,010,418.43, three trillion, six hundred thirty-one billion, two hundred thirty-four million, ten thousand,

four hundred eighteen dollars and forty-three cents during the past 15 years.

ADDITIONAL STATEMENTS

MAUPIN RECEIVES PATRICK HENRY AWARD

• Mr. HOLLINGS. Mr. President, The Wilson Center for Leadership in the Public Interest at Hampden-Sydney College in Virginia annually presents the Patrick Henry Award to alumni whose lives have been distinguished by dedication to public service. I'm proud to congratulate Colonel Joe Maupin, U.S. Army retired and my Lowcountry Representative in Charleston, SC, who is among the three who will be receiving the 2001 Patrick Henry Award this evening.

Some of my colleagues may remember Colonel Maupin from his time as Chief of Army Liaison here in the Senate, his last assignment before retiring from the Army after 22 years of service. During those 22 years, Joe attended Officer Candidate School, commanded several Field Artillery Batteries, was selected as a Major for Battalion Command and was inducted into the Field Artillery Hall of Fame. I am fortunate to have benefitted from Joe Maupin's dedication to public service, his willingness to get the job done, his ability to relate to people from all walks of life, his sense of humor, and, most of all, his friendship. I can think of no one more deserving of the Patrick Henry Award than Joe Maupin. My heartfelt congratulations go out to him and to his wonderful wife, Shirley, who made it possible for him to pursue not one, but two careers in public service.●

IN REMEMBRANCE OF STEPHEN GREEN

• Mrs. BOXER. Mr. President, earlier this week, this country suffered a tremendous loss with the passing of Steve Green.

Steve was a veteran reporter and editorial columnist and a very dear person. He worked as a journalist for forty years, covering issues ranging from Congress to national security to social policy.

I got to know Steve as he kept a watchful on Congress for the Copley News Service and the San Diego Union-Tribune. He had a quick wit, a keen intellect and a great nose for a story. Above all, he was scrupulously fair in his reporting. And he believed that as a journalist it was his role in life to help this country realize its tremendous potential. How very blessed we are that Stephen used his talent with words and his insight to make us a better, more informed people.

With a wink Steve could puncture the biggest ego. He had the uncanny ability to be skeptical without being cynical. He cared for the people he covered without coddling them. He followed serious issues without losing his sense of humor.

Let me read from an article filed by Steve's colleague and Copley News veteran reporter Findlay Lewis:

Mr. Green's 40-year newspaper career embraced a range of interests and assignments, including a political column that was syndicated around the country. In recent years, his reporting focused on Congress, national security issues and social welfare policy. His work in these and other areas earned him a reputation as a quick study and an incisive writer, who could quickly penetrate to the heart of complex issues.

"Steve Green was a colleague I admired greatly," said Herbert G. Klein, editor in chief of Copley Newspapers. "He thrived on professionalism, which leaves a great legacy for all to follow. He was a man of enormous courage."

A native of Malden, Mass., he graduated from Boston's Northeastern University, where he began his newspaper career. While pursuing his undergraduate degree, Mr. Green filed stories for the wire services and several Boston dailies, and also served as editor of the college newspaper.

Former colleagues at the [Washington] Star describe Mr. Green in those years as a tireless reporter, who never allowed himself to be beaten on a story by rivals from the larger and better-staffed Washington Post.

"He had a knack for getting scoops," recalled Barbara Cochran, one of his editors at the time and president of the Radio-Television News Directors Association. "When he had a good story going he would get this grin on his face—when he felt he had the goods."

His tenure at the [Washington] Post was followed by an editing stint at the Miami News before arriving at The San Diego Union in 1979 as state and politics editor. In the latter capacity, Mr. Green directed the Union's coverage of the 1980 presidential election and of the state political campaigns two years later.

In 1983, Mr. Green joined the Union's editorial board before returning to Washington in January 1984 to fill the newly created position of managing editor in the Washington Bureau of the Copley News Service.

Considered a shrewd student of American politics and foreign affairs by his peers, Mr. Green pursued those interests in a column syndicated by the news service and given frequent prominent display by The Washington Times on its op-ed page.

By the early 1990s, Mr. Green had returned to reporting, providing coverage of Congress, a beat that he knew well from his duty with Washington newspapers. He wrote in depth about the financing problems likely to confront the nation's social welfare programs, such as Social Security and Medicare, and also played a role in the bureau's coverage of President Clinton's impeachment crisis in the Congress. He later took over the Pentagon beat before falling ill.

Survivors include his wife, Ginny Durrin of Washington, a film maker; two daughters from his first marriage—Jennifer Green of San Jose, and Alison Green of Arlington, Va.; brother, Edward Green of Rockville, Md.; sister, Judy Schoen of Lawrenceville, N.J.; and a granddaughter also survive him.

Steve Green was a wonderful man, a wonderful journalist and anyone who knew him will miss him deeply.●

CONGRATULATIONS TO MIKE MILLER

● Mr. JOHNSON. Mr. President I rise today to congratulate Mike Miller from Mitchell, SD. Mike, a starting small forward for the Orlando Magic,

has been selected as the National Basketball Association, NBA, Rookie of the Year. As the fifth overall draft pick from the University of Florida, he averaged 11.9 points, 4.0 rebounds and 1.7 assists this year. Mike scored in double figures 51 times this year and scored a season-high 28 points against the Milwaukee Bucks on March 23. Although those statistics are very impressive, perhaps the most impressive part of Mike's rookie season was the leadership role Mike had to assume with the injury to his teammate Grant Hill. He responded to the challenge of filling the shoes of a perennial NBA all-star and he came to be a trusted go-to, clutch player. Of course he showed this type of poise when he made the game winning shot against Butler in last year's NCAA tournament.

By winning this award, Mike has joined the ranks of the very best to ever play basketball. Wilt Chamberlain, Oscar Robertson, Michael Jordan and Shaquille O'Neal are just a few of the basketball luminaries who Mike joins as winners of this award. Those in South Dakota knew that Mike was destined for great things. As a three-time all-state selection and a two time state champion in South Dakota, Miller has showcased his abilities for many years. As a father of three children I know how proud Tom and Sheryl Miller must feel today. I join the rest of the State of South Dakota in congratulating Mike on his remarkable accomplishment and look forward to cheering him on as his career moves forward.●

TRIBUTE TO THE REVEREND LEON H. SULLIVAN

● Mr. FEINGOLD. Mr. President, I rise today to remember the Reverend Leon Sullivan, a civil rights leader who spent his life breaking down the barriers of racial prejudice, and building in their place a more just world for all of us. Among his many accomplishments, Reverend Sullivan crafted the famous Sullivan Principles, which helped to topple Apartheid in South Africa, and he founded Opportunities Investment Centers, OICs, which have brought new hope and new job skills to the lives of people in my state of Wisconsin, and around the world.

With everything he did, Reverend Sullivan was both an idealist and a pragmatist. He righted the wrong of prejudice not just by calling for change, but by charting the course by which that change could occur. Leon Sullivan was born in West Virginia in 1922, where his quest for racial justice began in early childhood. He desegregated a restaurant in his hometown at the age of ten, and worked his way through graduate school as the first African-American coin-box collector for the Bell Telephone Company. Later, as pastor of the Zion Baptist Church in Philadelphia, he and other African-American pastors started the highly successful Selective Patronage Program, which boycotted businesses that refused to hire minorities.

Then, in 1964, Reverend Sullivan, as always, saw hope and possibility in an unlikely place: an old jailhouse in Philadelphia. In his eyes, the structure could be remade into a center for helping the unemployed reach their full potential. And so it was, through his characteristic hard work and determination. By 1969 about 20,000 minority workers were enrolled in OICs around the country. The OIC in Milwaukee, where I first had the honor of meeting Reverend Sullivan, is the world's largest OIC affiliate, and has helped thousands of people in that community achieve economic independence. The Opportunities Investment Center of Greater Milwaukee is a leader, not only in Milwaukee, but also nationally, in the provision of local employment, training and community development services. The University of Wisconsin-Milwaukee established the Sullivan Professorship in 1979 to strengthen the ties between the university and the inner city.

OICs are now located in South America, England, Poland and throughout Africa. In the creation of the OIC, and in his myriad other endeavors, Leon Sullivan was often in the forefront of social change. His name is also well known for the creation, in 1976, of the "Sullivan Principles," which outlined a code of conduct by which U.S. corporations operating in apartheid-era South Africa could voluntarily choose to abide.

As disinvestment pressures on U.S. companies increased, the Sullivan Principles helped push companies to support education and community development projects outside the workplace that could help improve the quality of life for black South Africans.

Reverend Sullivan's legacy lives on in so many ways. In South Africa, thanks to the Sullivan Principles, U.S. companies operating in South Africa still make it a priority to devote significant resources to philanthropic programs, including job training and efforts to create partnerships with black-owned businesses. In Milwaukee, the OIC has succeeded because Reverend Sullivan believed that by empowering people with new skills, he could change lives, and change the world.

And he did change the world, from an old jailhouse in Philadelphia, to a Saturday school in Johannesburg, to the Opportunities Investment Center in Milwaukee. Leon Sullivan made enormous contributions—to local communities throughout the United States, and to our global community as well. We remember him today as a great leader who believed in a more just world, and set out to build it. We are grateful that he did.●

TRIBUTE TO BOTTOMLINE TECHNOLOGIES

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Bottomline Technologies of Portsmouth, New Hampshire, for the honor

of being named the 2001 Business of the Year by Business NH Magazine.

Bottomline Technologies is a Portsmouth-based firm that has become a global leader in business-to-business Internet-based transactional processing. The company was founded by Dan McGurl, recipient of the 1998 Entrepreneur of the Year Award from the New Hampshire High Technology Council, and Jim Loomis 12 years ago.

Bottomline is the creator of the LaserCheck system which allows businesses to streamline the payment of paper checks. More than 5,500 client companies throughout the world utilize Bottomline's software solutions.

The company has earned recognition from Inc. Magazine being named as one of the fastest growing private companies. It was also named as one of the fastest high technology companies by Deloitte & Touche and Hale and Dorr.

Bottomline was recognized with the 2000 United Way Special Achievement Award for achieving 119 percent of its contribution goal that year.

Bottomline Technologies has been a leader in the high technology sector of the New Hampshire business community and a good neighbor to civic organizations. I commend them for their dedicated service to the citizens of New Hampshire. It is an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO NORTHEAST DELTA DENTAL

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Northeast Delta Dental of Concord, New Hampshire, for the honor of being named 2001 Business of the Year by Business NH Magazine.

Northeast Delta Dental, a New Hampshire-based company, is a leader in their industry for customer and community service. Teamwork is the key to the success of Northeast Delta Dental where employees strive to work together with shared responsibility and accountability. The values of the company are substantiated by the company's Guarantee of Service Excellence program which promises customers exceptional service.

Northeast Delta Dental is also committed to leadership and contribution within the local community. As a generous corporate neighbor they have made donations to programs such as: the New Hampshire Symphony Orchestra, a soccer field on-site for area youth, and grants to New Hampshire dental clinics which serve underprivileged citizens.

Northeast Delta Dental and CEO Thomas Raffio are an asset to the communities of New Hampshire. I commend them for their outstanding contribution to the citizens of our state. It is an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO REVEREND MARK HURLEY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Reverend Mark J. Hurley, the former bishop of the Catholic Diocese of Santa Rosa, California. Bishop Hurley passed away on Monday February 5, 2001, after undergoing surgery for an aneurysm. Mark Hurley was one of two priests born to a proud Irish Catholic family. His brother, Francis Hurley, is the Archbishop of Anchorage, Alaska.

I had the great fortune to make the acquaintance of Mark Hurley several years ago while traveling in California. He was a deeply religious man, as you would expect, and a very learned individual and the author of several books. He lectured about the tragedy of abortion and wrote extensively about medical and genetic research and individual privacy. But he will be remembered most of all for his extraordinary work as the bishop of the six-county North Coast diocese from 1969-1986.

Pope Paul VI appointed Mark Hurley second bishop of the Santa Rosa diocese in 1969. Prior to his appointment, he was a teacher and administrator for Catholic high schools in San Francisco, Marin and Oakland and served as vicar general of the Archdiocese of San Francisco. He would become Santa Rosa's longest-serving bishop since the diocese was created. Most importantly, Bishop Hurley was credited with saving the diocese from financial ruin. When he took office the diocese was over \$12 million in debt, including \$7 million owed to parishes and other organizations within the diocese. By imposing strict spending limits, a building moratorium and other cutbacks he was able to orchestrate the financial recovery that was so desperately needed.

After his tenure, Pope John Paul II rewarded Reverend Hurley's efforts by transferring him to the Vatican where he was consular to the Sacred Congregation for Catholic Education and a member of the Secretariat for Non-Believers. He returned to the United States and retired in San Francisco—the same city in which he was born on December 13, 1919.

He was acknowledged by many as an intellectual and a world leader on religious matters, but it was his successful tenure as bishop of Santa Rosa for which he will be remembered most. Santa Rosa's current bishop, Daniel Walsh, said of Mark Hurley, "I believe his most esteemed role and responsibility was that of Bishop of Santa Rosa. He labored here from November 1969 to April 1986. He made a great impact on the diocese and we are all beneficiaries of his ministry here."

Mr. President, with the death of Bishop Hurley the Lord has lost a dutiful servant, the Catholic faith has lost a pillar of virtue and our nation has lost a loving soul that quietly touched and improved the lives of many. Mr. President, I know I speak for all my colleagues in extending our condolences to his brother, Bishop Francis

Hurley, his sister Phyllis Porter of San Francisco and to the rest of his family and friends. May he rest in peace.●

TRIBUTE TO CONCORD HOSPITAL

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Concord Hospital of Concord, New Hampshire, for the honor of being named the 2001 Business of the Year by Business NH Magazine.

Concord Hospital serves the citizens of the local community with a state of the art technology facility and staff. The hospital is the only one in the Granite State to provide computers at patients' bedsides to permit charting of medical information and data and to track patient charges for supplies and medical procedures.

The Concord Hospital continues to keep abreast of the changing technologies within the industry by becoming the first cardiac catheterization laboratory in our state to use digital equipment for patient procedures. It also uses the only FDA approved computer-aided detection systems for breast cancer.

The Hospital has paid 132 of its employees to participate in community committees and projects. It has also provided cash donations to other organizations and has created a database of health and human service providers and services for New Hampshire Helpline information service.

The Concord Hospital is a good neighbor to the citizens of Concord and our state. I commend them for their dedication and service to the health care community in New Hampshire. It is an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO THE COMMON MAN FAMILY OF RESTAURANTS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Common Man Family of Restaurants of Ashland, Concord, Lincoln, Windham, Meredith and Tilton, New Hampshire, on being named the 2001 Business of the Year by Business NH Magazine.

The Common Man Family Restaurants and owner, Alex Ray, operate nine restaurants throughout the Granite State and employ more than 400 people. Alex was the recipient of the New Hampshire Lodging and Restaurant Associations' "Restaurateur of the Year" in 1996.

The company is a strong supporter of community and national charitable organizations. For the past 10 years, The Common Man Family of Restaurants has donated more than \$300,000 to Easter Seals and was recognized nationally for organizing and hosting the most successful fund-raiser for the March of Dimes in New Hampshire, raising more than \$40,000. They also offer scholarships to Plymouth Regional High School students who are interested in pursuing a career in the culinary arts.

The Common Man Family of Restaurants also participated in the Smithsonian Folklife Festival by preparing traditional New Hampshire cuisine for over 50,000 people during the 10-day event. I personally had the opportunity to sample their delicious wares.

Alex Ray and The Common Man Family of Restaurants have been an asset to the citizens of New Hampshire. I commend them for their service and dedication to the people and communities of our state. It is an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO CONCORD COMMUNITY MUSIC SCHOOL

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Concord Community Music School of Concord, New Hampshire, for the honor of being named the 2001 Business of the Year by Business NH Magazine.

New Hampshire's largest and oldest community music school, Concord Community Music School is celebrating its 17th anniversary this year. The primary mission of the school is to provide access to music for all people of New Hampshire while having the best resources available.

Concord Community Music School has touched the lives of many Granite State citizens. In 2000, over 43,000 people received 80,100 musical services thanks to the school. The school also provides weekly lessons and classes at the facility and provides performances at public events.

Concord Community Music School generously reaches out to area citizens with its Music in the Community Initiative. The program is a partnership with area schools, human service agencies and hospitals in New Hampshire which provides music and lessons to at-risk students, disabled people, senior citizens and pre-schoolers from low income families.

Concord Community Music School has been a dedicated and caring neighbor to the citizens of New Hampshire. I commend them for their contributions to the cultural, educational and economic communities of our state. It is an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO NIXON PEABODY LLP

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Nixon Peabody LLP of Manchester, New Hampshire, for the honor of being named the 2001 Business of the Year by Business NH Magazine.

The New Hampshire office of Nixon Peabody LLP was established in 1992, and is one of the top 50 law firms in the United States with 11 East Coast offices, including 20 in the Granite State.

The firm has been instrumental in New Hampshire's premier business deals and has established itself in our

state by assuming the role of a strong corporate citizen.

Active within the Manchester community, staff members from Nixon Peabody serve on several nonprofit boards including: Kevin Fitzgerald as president and chairman of the Manchester Community Music School's board, W. Scott O'Connell as vice president of the Farnum Center, and James Hood as chairman of New Hampshire's International Trade Advisory Committee.

Staff members and clients have also served the City of Manchester with charity and concern. Victims of a recent apartment house fire were provided with clothing and furniture by a client of the firm after a fire that left more than 50 people homeless.

I commend Nixon Peabody LLP for their contributions to both the business and civic communities in our state. It is an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO BELKNAP LANDSCAPE COMPANY, INC.

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Belknap Landscape Company, Inc. of Gilford, New Hampshire, on being named the 2001 Business of the Year by Business NH Magazine.

Belknap Landscape Company, Inc., has been owned for the past 13 years by Hayden McLaughlin, who is a member of several industry organizations and works to inform people about landscaping benefits. The company was the recipient of the Blue Chip Award, Leon Patterson Award for Landscape Excellence, and numerous national safety awards.

Belknap Landscape Company, Inc. has participated in many community events and outreach programs. The company was active in the development of the Kirkwood Gardens in 1995 and continues to sponsor the gardens and annual "Wildflower Day" which benefits the gardens and Science Center. They are involved in other community projects including: the Fires of the New Hampshire Music Festival, New Beginnings, the United Way, and the New Hampshire State Police Association.

They have donated materials and staff manpower to the Squam Lakes Association waterfront area. Hayden also makes annual contributions to the New Hampshire Horticulture Endowment Fund and he is a mentor in the Associated Landscape Contractors of America "One-on-One" Mentor program.

Belknap Landscape Company, Inc. and Hayden McLaughlin have been strong stewards of the environmental and business communities in New Hampshire. I commend them for the positive contributions they have made to the citizens of the Granite State. It is an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO THE TALARICO DEALERSHIPS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Talarico Dealerships of Manchester, Merrimack and Milford, New Hampshire, on being named the 2001 Business of the Year by Business NH Magazine.

The Talarico Dealerships and Stephen Talarico, president and CEO, conduct business by a company mission statement of providing quality service to customers with trained professional employees and "to remain supportive to our community and committed to the education of our youth."

The Talarico Dealerships recognize the importance of giving back to the community and have generously contributed to civic programs including the Manchester Riverwalk Development Project and Souhegan Valley Chamber of Commerce First Annual Golf Tournament.

The company was among the first automobile dealerships in the country to install custom designed, thermo-reactor stainless steel Devilbis spray booths at its Body Magic Auto Collision Center. Talarico Dealership was also the first dealership in the Granite State to have a service department managed completely by women.

Stephen Talarico was named Souhegan Valley Chamber of Commerce Business Leader of the Year in 1999. His Merrimack Used Car Superstore became one of the top five used car volume dealerships in New Hampshire in 2000.

The Talarico Dealerships and Stephen Talarico have been good neighbors to the citizens of Manchester, Merrimack and Milford, New Hampshire. I commend them on their dedication and service to the communities of the Granite State. It is an honor and a privilege to represent them in the U.S. Senate.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 700. An act to establish a Federal inter-agency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 146. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes.

H.R. 581. An act to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 146. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 581. An act to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.R. 802: A bill to authorize the Public Safety Officer Medal of Valor, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 63: A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 39: A bill to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

S. 166: A bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRAMM for the Committee on Banking, Housing, and Urban Affairs.

Kenneth I. Juster, of the District of Columbia, to be Under Secretary of Commerce for Export Administration.

Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade.

Maria Cino, of Virginia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Robert Glenn Hubbard, of New York, to be a Member of the Council of Economic Advisers.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH for the Committee on the Judiciary.

Larry D. Thompson, of Georgia, to be Deputy Attorney General.

Daniel J. Bryant, of Virginia, to be an Assistant Attorney General.

Charles A. James, Jr., of Virginia, to be an Assistant Attorney General.

(The above nominations were reported with the recommendations that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMAS (for himself, Mr. CONRAD, Mr. DOMENICI, Mr. JOHNSON, Mr. ROBERTS, and Mr. NELSON of Nebraska):

S. 859. A bill to amend the Public Health Service Act to establish a mental health community education program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. JEFORDS, Mr. CONRAD, Mr. BREAU, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. BAUCUS, and Mrs. LINCOLN):

S. 860. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers; to the Committee on Finance.

By Mr. BOND:

S. 861. A bill to enhance small business access to Federal contracting opportunities and provide technical advice and support that small businesses need to perform contracts awarded to them, and for other purposes; to the Committee on Small Business.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. GRAHAM, Mr. REID, Mr. BINGAMAN, Mr. KERRY, and Mr. MCCAIN):

S. 862. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2002 through 2006 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. REID:

S. 863. A bill to require medicare providers to disclose publicly staffing and performance

in order to promote improved consumer information and choice; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. LIEBERMAN, and Mr. LEVIN):

S. 864. A bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in war crimes, genocide, and the commission of acts of torture and extrajudicial killings abroad; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself and Mr. LIEBERMAN):

S. 865. A bill to provide small businesses certain protections from litigation excesses and to limit the product liability of non-manufacturer product sellers; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. WARNER):

S. 866. A bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself and Mr. COCHRAN):

S. 867. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit exemption and the qualified family-owned business interest deduction, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 868. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage and group health plans provide coverage of cancer screening; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. KERRY, Mr. ROCKEFELLER, and Mrs. BOXER):

S. 869. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of New Hampshire (for himself and Mr. INHOFE):

S. 870. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for public-private partnerships in financing of highway, mass transit, high speed rail, and intermodal transfer facilities projects, and for other purposes; to the Committee on Finance.

By Mr. CLELAND (for himself, Mr. KERRY, Mr. REID, and Mr. DAYTON):

S. 871. A bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. REID, Mr. DURBIN, Mrs.

FEINSTEIN, Mrs. BOXER, Mrs. MURRAY, Mr. SCHUMER, Mr. HARKIN, and Mrs. CLINTON):

S. Res. 87. A resolution expressing the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to investigate the rapidly increasing energy prices across the country and to determine what is causing the increases; to the Committee on Rules and Administration.

By Mr. LIEBERMAN (for himself and Mr. MCCAIN):

S. Con. Res. 37. A concurrent resolution expressing the sense of Congress on the importance of promoting electronic commerce, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 11

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 11, a bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals, and for other purposes.

S. 37

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 37, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 123

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 123, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 131

At the request of Mr. JOHNSON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 131, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 181

At the request of Mr. SHELBY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to phase out the taxation of social security benefits.

S. 587

At the request of Mr. CONRAD, the name of the Senator from Wisconsin

(Mr. FEINGOLD) was added as a cosponsor of S. 587, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas.

S. 592

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 592, a bill to amend the Internal Revenue Code of 1986 to create Individual Development Accounts, and for other purposes.

S. 627

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. BAYH) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 671

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 671, a bill to provide for public library construction and technology enhancement.

S. 706

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 718

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 718, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes.

S. 742

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Alaska (Mr. STEVENS), the Senator from Georgia (Mr. MILLER), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. SMITH), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 742, a bill to provide for pension reform, and for other purposes.

S. 760

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 760, a bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid tech-

nology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes.

S. 790

At the request of Mr. BROWNBACK, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 795

At the request of Mr. THOMPSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 795, a bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies.

S. 804

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 804, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 829

At the request of Mr. BROWNBACK, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Utah (Mr. HATCH), the Senator from Ohio (Mr. DEWINE), the Senator from Illinois (Mr. DURBIN), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 829, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 841

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 841, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program.

S. 850

At the request of Mr. CHAFEE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 850, a bill to expand the Federal tax refund intercept program to cover children who are not minors.

S. 857

At the request of Mr. HELMS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 857, a bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party.

S. 858

At the request of Mr. HUTCHINSON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 858, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small business with respect to medical care for their employees.

S.J. RES. 13

At the request of Mr. WARNER, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S.J. Res. 13, a joint resolution conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from North Dakota (Mr. DORGAN), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day."

S. RES. 75

At the request of Mr. HUTCHINSON, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. Res. 75, a resolution designating the week beginning May 13, 2001, as "National Biotechnology Week."

S. CON. RES. 15

At the request of Mr. BROWNBACK, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Colorado (Mr. ALLARD), and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. Con. Res. 15, a concurrent resolution to designate a National Day of Reconciliation.

S. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from Nebraska (Mr. NELSON, of Nebraska) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue

to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

AMENDMENT NO. 389

At the request of Mr. VOINOVICH, the name of the Senator from New Jersey (Mr. CORZINE) was withdrawn as a cosponsor of amendment No. 389.

AMENDMENT NO. 426

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 426 intentent to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 443

At the request of Mr. VOINOVICH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 443 intentent to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 451

At the request of Mrs. LINCOLN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 451.

At the request of Mrs. LINCOLN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 451, *supra*.

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 451, *supra*.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 451, *supra*.

AMENDMENT NO. 461

At the request of Mr. DORGAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 461 intentent to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself, Mr. CONRAD, Mr. DOMENICI, Mr. JOHNSON, Mr. ROBERTS, and Mr. NELSON of Nebraska):

S. 859. A bill to amend the Public Health Service Act to establish a mental health community education program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. THOMAS. Mr. President, I rise today to introduce the Rural Mental Health Accessibility Act of 2001 with Senators CONRAD, DOMENICI, JOHNSON, ROBERTS, and NELSON from Nebraska. Like all of the rural health bills I've worked on with my colleagues in the

Senate Rural Health Caucus, I am proud of the bipartisan effort behind this important legislation.

I believe, the Rural Mental Health Accessibility Act of 2001 is crucial because it reflects the unique needs of rural communities to improve access to mental health services.

Many people do not seek mental health services because of the stigma associated with mental illnesses. This is especially true in rural areas where anonymity is more difficult to obtain. This legislation creates the Mental Health Community Education Grant program, which permits states and communities to conduct targeted public education campaigns with particular emphasis on mental illnesses, mental retardation, suicide, and substance abuse disorders. This new program will go a long way in reducing the stigmatization and misinformation surrounding mental health issues.

More than 75 percent of the 518 nationally designated Mental Health Professional Shortage Areas are located in rural areas and one-fifth of all rural counties in the nation have no mental health services of any kind. Frontier counties have even more drastic numbers as 95 percent of these remote areas do not have psychiatrists, 68 percent do not have psychologists and 78 percent do not have social workers. While I'm proud that every county in my home state of Wyoming now has a psychologist, there are still several counties that are severely underserved and are designated as a Mental Health Shortage Area.

Due to the scarcity of mental health specialists in rural communities, primary care providers are often the only source of treatment. However, primary care providers do not receive the specialized training necessary to recognize the signs of depression and other mental illnesses in their patients. The Rural Mental Health Accessibility Act of 2001 authorizes an Interdisciplinary Grant program that will permit universities and other entities to establish interdisciplinary training programs where mental health providers and primary care providers are taught side-by-side in the classroom, with clinical training conducted in rural underserved communities. This will encourage greater collaboration amongst providers and increase the quality of care for rural patients.

I am particularly concerned that suicide rates among rural children and adolescents are higher than in urban areas, especially in western and frontier states. Additionally, 20 percent of the nation's elderly population live in rural areas, but only 9 percent of our nation's physicians practice in rural areas. This bill authorizes \$30 million for 20 demonstration projects, equally divided, to provide mental health services to children and elderly residents of long term care facilities located in mental health shortage areas. These projects will also provide mental illness education and targeted instruction on coping and dealing with the

stressful experiences of childhood and adolescence or aging.

To prepare for further expansion of mental telehealth, this bill requires the Director of the National Institute of Mental Health in consultation with the Director of the Office of Rural Health Policy to report to Congress on the efficacy and effectiveness of mental health services delivered through the utilization of telehealth technologies.

In crafting this legislation I and my colleagues worked with numerous outside organizations with an interest in mental health issues. As a result of this collaboration, the Rural Mental Health Accessibility Act of 2001 is strongly supported by the National Rural Health Association, the National Alliance for the Mentally Ill, the American Psychiatric Association and the American Psychological Association.

I believe this legislation is critically important to the health and well-being of our rural communities. I strongly urge all my colleagues to support the rural areas in their states by becoming cosponsors of the Rural Mental Health Accessibility Act of 2001.

I ask unanimous consent that the text of the bill and letters of endorsement from supporting organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Mental Health Accessibility Act of 2001".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following: "**SEC. 330I. MENTAL HEALTH COMMUNITY EDUCATION PROGRAM.**

"(a) PROGRAM AUTHORIZED.—The Director of the Office of Rural Health Policy (of the Health Resources and Services Administration) shall award grants to eligible entities to conduct mental health community education programs.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' includes a State entity, public or private school, mental health clinic, rural health clinic, local public health department, nonprofit private entity, federally qualified health center, rural Area Health Education Center, Indian tribe and tribal organization, and any other entity deemed eligible by the Secretary.

"(2) MENTAL HEALTH COMMUNITY EDUCATION PROGRAM.—The term 'mental health community education program' means a program regarding mental illness, mental retardation, suicide prevention and co-occurring mental illness and substance abuse disorder.

"(c) PREFERENCE.—In awarding grants under subsection (a), the Director shall give a preference to eligible entities that are or propose to be in a network, or work in collaboration, with other eligible entities to carry out the programs under this section, such as a rural public or nonprofit private entity that represents a network of local health care providers or other entities that

provide or support delivery of health care services, and a State office of rural health or other appropriate State entity.

"(d) DURATION.—The Director shall award grants under subsection (a) for a period of 3 years.

"(e) AMOUNT.—Each grant awarded under this section shall not be greater than \$200,000 each fiscal year.

"(f) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use funds received through such grant to administer a mental health community education program to rural populations that provides information to dispel myths regarding mental illness and to reduce any stigma associated with mental illness.

"(g) APPLICATION.—An eligible entity desiring a grant under subsection (a) shall submit an application to the Director at such time, in such manner, and containing such information as the Director may reasonably require, including—

"(1) a description of the activities which the eligible entity intends to carry out using amounts provided under the grant;

"(2) a plan for continuing the project after Federal support is ended;

"(3) a description of the manner in which the educational activities funded under the grant will meet the mental health care needs of underserved rural populations within the State; and

"(4) a description of how the local community or region to be served by the network or proposed network, if the eligible entity is in such a network, will be involved in the development and ongoing operations of the network.

"(h) EVALUATIONS; REPORT.—Each eligible entity that receives a grant under this section shall submit to the Director of the Office of Rural Health Policy (of the Health Resources and Services Administration) an evaluation describing the programs authorized under this section and any other information that the Director deems appropriate. After receiving such evaluations, the Director shall submit to the appropriate committees of Congress a report describing such evaluations.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$50,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 through 2006.

"SEC. 330J. INTERDISCIPLINARY GRANT PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Director of the Office of Rural Health Policy (of the Health Resources and Services Administration) shall award grants to eligible entities to establish interdisciplinary training programs that include significant mental health training in rural areas for certain health care providers.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a public university or other educational institution that provides training for mental health care providers or primary health care providers.

"(2) MENTAL HEALTH CARE PROVIDER.—The term 'mental health care provider' means—

"(A) a physician with postgraduate training in a residency program of psychiatry;

"(B) a licensed psychologist (as defined by the Secretary for purposes of section 1861(ii) of such Act (42 U.S.C. 1395x(ii)));

"(C) a clinical social worker (as defined in section 1861(hh)(1) of such Act (42 U.S.C. 1395x(hh)(1)); or

"(D) a clinical nurse specialist (as defined in section 1861(aa)(5)(B) of such Act (42 U.S.C. 1395x(aa)(5)(B))).

"(3) PRIMARY HEALTH CARE PROVIDER.—The term 'primary health care provider' includes family practice, internal medicine, pedi-

rics, obstetrics and gynecology, geriatrics, and emergency medicine physicians as well as physician assistants and nurse practitioners.

"(4) RURAL AREA.—The term 'rural area' means a rural area as defined in section 1886(d)(2)(D) of the Social Security Act, or such an area in a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725)), or any other geographical area that the Director designates as a rural area.

"(c) DURATION.—Grants awarded under subsection (a) shall be awarded for a period of 5 years.

"(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use funds received through such grant to administer an interdisciplinary, side-by-side training program for mental health care providers and primary health care providers, that includes providing, under appropriate supervision, health care services to patients in underserved, rural areas without regard to patients' ability to pay for such services.

"(e) APPLICATION.—An eligible entity desiring a grant under subsection (a) shall submit an application to the Director at such time, in such manner, and containing such information as the Director may reasonably require, including—

"(1) a description of the activities which the eligible entity intends to carry out using amounts provided under the grant;

"(2) a description of the manner in which the activities funded under the grant will meet the mental health care needs of underserved rural populations within the State; and

"(3) a description of the network agreement with partnering facilities.

"(f) EVALUATIONS; REPORT.—Each eligible entity that receives a grant under this section shall submit to the Director of the Office of Rural Health Policy (of the Health Resources and Services Administration) an evaluation describing the programs authorized under this section and any other information that the Director deems appropriate. After receiving such evaluations, the Director shall submit to the appropriate committees of Congress a report describing such evaluations.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$100,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2006.

"SEC. 330K. STUDY OF MENTAL HEALTH SERVICES DELIVERED WITH TELEHEALTH TECHNOLOGIES.

"(a) IN GENERAL.—The Director of the National Institute of Mental Health, in consultation with the Director of the Office of Rural Health Policy, shall carry out activities to research the efficacy and effectiveness of mental health services delivered remotely by a qualified mental health professional (psychiatrist or doctoral level psychologist) using telehealth technologies.

"(b) MANDATORY ACTIVITIES.—Research described in subsection (a) shall include—

"(1) objective measurement of treatment outcomes for individuals with mental illness treated remotely using telehealth technologies as compared to individuals with mental illness treated face-to-face;

"(2) objective measurement of treatment compliance by individuals with mental illness treated remotely using telehealth technologies as compared to individuals with mental illness treated face-to-face; and

"(3) any other variables as determined by the Director.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section such sums as may be necessary.

“SEC. 330L. MENTAL HEALTH SERVICES DELIVERED VIA TELEHEALTH.”

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Office for the Advancement of Telehealth of the Health Resources and Services Administration, shall award grants to eligible entities to establish demonstration projects for the provision of mental health services to special populations as delivered remotely by qualified mental health professionals using telehealth and for the provision of education regarding mental illness as delivered remotely by qualified mental health professionals and qualified mental health education professionals using telehealth.

“(2) NUMBER OF DEMONSTRATION PROJECTS.—Ten grants shall be awarded under paragraph (1) to provide services for the children and adolescents described in subsection (d)(1)(A) and not less than 6 of such grants shall be for services rendered to individuals in rural areas. Ten grants shall also be awarded under paragraph (1) to provide services for the elderly described in subsection (d)(1)(B) in rural areas. If the maximum number of grants to be awarded under paragraph (1) is not awarded, the Secretary shall award the remaining grants in a manner that is equitably distributed between the populations described in subparagraphs (A) and (B) of subsection (d)(1).

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a public or nonprofit private telehealth provider network which has as part of its services mental health services provided by qualified mental health providers.

“(2) QUALIFIED MENTAL HEALTH EDUCATION PROFESSIONALS.—The term ‘qualified mental health education professionals’ refers to teachers, community mental health professionals, nurses, and other entities as determined by the Secretary who have additional training in the delivery of information on mental illness to children and adolescents or who have additional training in the delivery of information on mental illness to the elderly.

“(3) QUALIFIED MENTAL HEALTH PROFESSIONALS.—The term ‘qualified mental health professionals’ refers to providers of mental health services currently reimbursed under medicare who have additional training in the treatment of mental illness in children and adolescents or who have additional training in the treatment of mental illness in the elderly.

“(4) SPECIAL POPULATIONS.—The term ‘special populations’ refers to the following 2 distinct groups:

“(A) Children and adolescents located in primary and secondary public schools in mental health underserved rural areas or in mental health underserved urban areas.

“(B) Elderly individuals located in long-term care facilities in mental health underserved rural areas.

“(5) TELEHEALTH.—The term ‘telehealth’ means the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health, and health administration.

“(c) AMOUNT.—Each entity that receives a grant under subsection (a) shall receive not less than \$1,500,000 with no more than 40 percent of the total budget outlined for equipment.

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—An eligible entity that receives a grant under this section shall use such funds—

“(A) for the populations described in subsection (b)(3)(A)—

“(i) to provide mental health services, including diagnosis and treatment of mental illness, in primary and secondary public schools as delivered remotely by qualified mental health professionals using telehealth;

“(ii) to provide education regarding mental illness (including suicide and violence) in primary and secondary public schools as delivered remotely by qualified mental health professionals and qualified mental health education professionals using telehealth, including early recognition of the signs and symptoms of mental illness, and instruction on coping and dealing with stressful experiences of childhood and adolescence (such as violence, social isolation, and depression); and

“(iii) to collaborate with local public health entities and the eligible entity to provide the mental health services; and

“(B) for the populations described in subsection (b)(3)(B)—

“(i) to provide mental health services, including diagnosis and treatment of mental illness, in long-term care facilities as delivered remotely by qualified mental health professionals using telehealth;

“(ii) to provide education regarding mental illness to primary staff (including physicians, nurses, and nursing aides) as delivered remotely by qualified mental health professionals and qualified mental health education professionals using telehealth, including early recognition of the signs and symptoms of mental illness, and instruction on coping and dealing with stressful experiences of old age (such as loss of physical and cognitive capabilities, death of loved ones and friends, social isolation, and depression); and

“(iii) to collaborate with local public health entities and the eligible entity to provide mental health services.

“(2) OTHER USES.—An eligible entity receiving a grant under this section may also use funds to—

“(A) acquire telehealth equipment to use in primary and secondary public schools and long-term care facilities for the purposes of this section;

“(B) develop curriculum to support activities described in subsections (d)(1)(A)(ii) and (d)(1)(B)(ii);

“(C) pay telecommunications costs; and

“(D) pay qualified mental health professionals and qualified mental health education professionals on a reasonable cost basis as determined by the Secretary for services rendered.

“(3) PROHIBITED USES.—An eligible entity that receives a grant under this section shall not use funds received through such grant to—

“(A) purchase or install transmission equipment (other than such equipment used by qualified mental health professionals to deliver mental health services using telehealth under the project); or

“(B) build upon or acquire real property (except for minor renovations related to the installation of reimbursable equipment).

“(e) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure, to the greatest extent possible, that such grants are equitably distributed among geographical regions of the United States.

“(f) APPLICATION.—An entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be reasonable.

“(g) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit a report to the appropriate committees of Congress

that shall evaluate activities funded with grants under this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$30,000,000 for fiscal year 2002 and such sums that are required to carry out this program for fiscal years 2003 through 2009.

“(i) SUNSET PROVISION.—This section shall be effective for 7 years from the date of enactment of this section.”

NAMI, NATIONAL ALLIANCE FOR
THE MENTALLY ILL,
Arlington, VA, May 7, 2001.

Hon. CRAIG THOMAS,
U.S. Senate, Hart Office Building,
Washington, DC.

DEAR SENATOR THOMAS: on behalf of the 220,000 members and 1,200 affiliates of the National Alliance for the Mentally Ill (NAMI), I am pleased to offer our support for the Rural Mental Health Accessibility Act of 2001. As the nation's largest organization representing children and adults with severe mental illnesses and their families, NAMI is pleased to support this important legislation. Thank you for your leadership in bringing this bipartisan measure forward.

Assessing mental illness treatment and services is a particular challenge for individuals living in isolated rural communities. The challenges related to geographic isolation are too often further compounded by the stigma associated with severe mental illnesses such as schizophrenia, bipolar disorder, major depression and severe anxiety disorders. Advances in scientific research and medical treatment for these serious brain disorders have been tremendous in recent years. Your legislation will bring these advances in research and treatment to underserved rural areas. The initiatives contained in the Rural Mental Health Accessibility Act—community education to address stigma, training for providers, funding for a telehealth services program—are an important step forward for expanding access to treatment in sparsely populated regions of our country. NAMI looks forward to working with you to ensure passage of this legislation in 2001.

Thank you for your leadership on this important issue for individuals with severe mental illnesses and their families.

Sincerely,

JACQUELINE SHANNON
President.

NATIONAL RURAL HEALTH ASSOCIATION,
Washington, DC, May 4, 2001.

Hon. CRAIG THOMAS,
U.S. Senate,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR THOMAS: on behalf of the National Rural Health Association, I would like to convey our strong support for the Rural Mental Health Accessibility Act of 2001.

While a lack of primary care services in rural and frontier areas has long been acknowledged, the scarcity of rural mental health services has only recently received increased attention. At the end of 1997, 76% of designated mental health professional shortage areas were located in nonmetropolitan areas with a total population of over 30 million Americans.

The Rural Mental Health Accessibility Act of 2001 would provide important first steps toward increased access to mental health care services in rural and frontier areas. The stigma associated with having a mental disorder and the lack of anonymity in small rural communities leads to under-diagnosis and under-treatment of mental disorders among rural residents. Your legislation

would address this problem by creating a Mental Health Community Education Program aimed at reducing the stigma and misinformation surrounding mental health care.

In many rural and frontier communities, primary care providers by necessity are responsible for the delivery of mental health services. Because primary care providers often lack specific mental health training, interdisciplinary collaboration and training would increase access for rural residents to appropriate mental health care treatment. The interdisciplinary training grant program created by your legislation would increase collaboration and sharing of information between mental health providers and primary care providers and improve care for rural residents.

The NRHA appreciates your ongoing leadership on rural health issues, and stands ready to work with you on enactment of the Rural Mental Health Accessibility Act of 2001, which would increase the availability of mental health care in rural and frontier areas.

Sincerely,

CHARLOTTE HARDT,
President.

Mr. CONRAD. Mr. President, today I am pleased to join my colleagues as a cosponsor of the Rural Mental Health Accessibility Act of 2001. This bipartisan effort would take important steps toward improving access to mental health care in rural America.

This issue is particularly important to me and my constituents in North Dakota. Sadly, as compared to the rest of the United States, North Dakota has the second-highest suicide rate among children ages 10 through 14, and the sixth-highest suicide rate among teenagers 15 through 19 years of age. As a result, over the 10 year period from 1987 to 1996, the percentage of deaths due to suicide among North Dakota's children and teens was double the national average. Clearly, suicide makes a much greater impact on child mortality in North Dakota than it does in the rest of the United States, and it is a leading cause of death in this age group.

In the vast majority of cases, suicide is directly related to mental illness, particularly mood disorders such as depression. Depressive symptoms are remarkably common in North Dakota's school-age children, with one screening finding that 21 percent of students had mild depression and 5 percent had moderate-to-severe depression. This level of depression is likely a contributing factor to the 2,600 suicide attempts by North Dakota's teens reported in 1999.

North Dakota is not alone in this crisis. Rather, it is one of a group of western and Plains states that have elevated youth suicide rates. As agricultural difficulties continue to plague rural areas, the stress on families and individuals grows greater with each passing season. Farm financial stress has been related to individual psychological problems and an increased risk of mental disorders, including depression, substance abuse, and suicide.

It is important to keep in mind that rural areas have a prevalence of mental illness similar to urban areas. The difference is that people in rural areas have less access to health care, espe-

cially mental health care. Availability of mental health treatment is scarce in remote rural areas. Additionally, there remains a strong stigma surrounding mental illness and its treatment. The bill we introduce today would address both of these problems: reducing the stigma and increasing access to mental health services in rural areas.

Our bill addresses the problem of stigma through \$50 million in grants designed to support community mental health education programs. Existing state and community efforts could be sustained and expanded through these grants, and new efforts could obtain early support. In addition, our bill establishes \$30 million in demonstration projects for the provision of mental health education in rural public schools and nursing homes using televideoconferencing technology. Rural schools and nursing homes would have access to information regarding mental illness, information that would reduce stigma, enhance understanding, and increase recognition of mental disorders. Importantly, suicide education and prevention are to be key parts of these programs.

Other provisions of our bill address the access problem to mental health services found in the majority of rural communities. Since mental health care in rural communities is often provided solely by primary care clinics, our bill establishes a \$150 million grant program to foster close interaction between mental health professionals and primary care physicians. The grants would be available to public universities or educational institutions to develop side-by-side training programs for mental health care professionals and primary care providers. These provider teams would give care to patients in underserved, rural areas without regard to the patient's ability to pay for such services. It is expected that primary care providers participating in such a training program would develop greater comfort and improved coordination with colleagues in treating mental illness in rural settings.

Finally, our bill would increase access to mental health care professionals by taking advantage of the latest telehealth technologies. Our bill would fund telehealth demonstration projects that would be focused on providing mental health services to hard-to-reach populations, such as children, adolescents, and the elderly. These individuals would be able to receive mental health services in convenient sites, such as rural public schools and nursing homes.

It is my hope that the Rural Mental Health Accessibility Act will strengthen existing community efforts to fight mental illness while encouraging the formation of new and innovative programs. I am pleased to join Senator THOMAS and others in this effort. I urge my colleagues to support this important legislation.

By Mr. GRASSLEY (for himself,
Mr. BINGAMAN, Mr. MURKOWSKI,

Mr. JEFFORDS, Mr. CONRAD, Mr. BREAUX, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. BAUCUS, and Mrs. LINCOLN):

S. 860. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, the U.S. Postal Service provides a vital and important communication link for the Nation and the citizens of my home state of Iowa. Rural Letter Carriers play a special role and have a proud history as an important link in assuring the delivery of our mail. Rural Carriers first delivered the mail with their own horses and buggies, later with their own motorcycles, and now in their own cars and trucks. They are responsible for maintenance and operation of their vehicles in all types of weather and road conditions. In the winter, snow and ice is their enemy, while in the spring, the melting snow and ice causes potholes and washboard roads. In spite of these quite adverse conditions, rural letter carriers daily drive over 3 million miles and serve 24 million American families on over 66,000 routes.

Although the mission of rural carriers has not changed since the horse and buggy days, the amount of mail they deliver has changed dramatically. As the Nation's mail volume has increased throughout the years, the Postal Service is now delivering more than 200 billion pieces of mail a year. The average carrier delivers about 2,300 pieces of mail a day to about 500 addresses.

Most recently, e-commerce has changed the type of mail rural carriers deliver. This fact was confirmed in a recent GAO study entitled "U.S. Postal Service: Challenges to Sustaining Performance Improvements Remain Formidable on the Brink of the 21st Century," dated October 21, 1999. As this report explains, the Postal Service expects declines in its core business, which is essentially letter mail, in the coming years. The growth of e-mail on the Internet, electronic communications, and electronic commerce has the potential to substantially affect the Post Service's mail volume.

First-Class mail has always been the bread and butter of the Postal Service's revenue, but the amount of revenue from First-Class letters is declining. E-commerce is providing the Postal Service with another opportunity to increase another part of its business. That's because what individuals and companies order over the Internet must be delivered, sometimes by the Postal Service and often by rural carriers. Currently, the Postal Service has about 33 percent percent of the parcel business. Carriers are not delivering larger volumes of business mail, parcels, and priority mail packages. But, more parcel business will mean more cargo capacity will be necessary in postal delivery vehicles, especially in

those owned and operated by rural letter carriers.

When delivering greeting cards or bills, or packages ordered over the Internet, Rural Letter Carriers use vehicles they currently purchase, operate and maintain. In exchange, they receive a reimbursement from the Postal Service. This reimbursement is called an Equipment Maintenance Allowance (EMA). Congress recognizes that providing a personal vehicle to deliver the U.S. Mail is not typical vehicle use. So, when a rural carrier is ready to sell such a vehicle, it's going to have little trade-in value because of the typically high mileage, extraordinary wear and tear, and the fact that it is probably right-hand drive. Therefore, Congress intended to exempt the EMA allowance from taxation in 1988 through a specific provision for rural mail carriers in the Technical and Miscellaneous Revenue Act of 1988.

That provision allowed an employee of the U.S. Postal Service who was involved in the collection and delivery of mail on a rural route, to compute their business use mileage deduction as 150 percent of the standard mileage rate for all business use mileage. As an alternative, rural carrier taxpayers could elect to utilize the actual expense method, business portion of actual operation and maintenance of the vehicle, plus depreciation. If EMA exceeded the allowable vehicle expense deductions, the excess was subject to tax. If EMA fell short of the allowable vehicle expenses, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer's adjusted gross income.

The Taxpayer Relief Act of 1997 further simplified the tax returns of rural letter carriers. That Act permitted the EMA income and expenses "to wash," so that neither income nor expenses would have to be reported on a rural letter carrier's return. That simplified taxes for approximately 120,000 taxpayers, but the provision eliminated the option of filing the actual expense method for employee business vehicle expenses. The lack of this option, combined with the dramatic changes the Internet is having on the mail, specifically on rural carriers and their vehicles, is a problem I believe Congress can and must address.

The mail mix is changing and already Postal Service management has, understandably, encouraged rural carriers to purchase larger right-hand drive vehicles, such as Sports Utility Vehicles, SUVs, to handle the increase in parcel loads. Large SUVs are much more expensive than traditional vehicles, so without the ability to use the actual expense method and depreciation, rural carriers must use their salaries to cover vehicle expenses. Additionally, the Postal Service has placed 11,000 postal vehicles on rural routes, which means those carriers receive no EMA.

These developments have created a situation that is contrary to the his-

torical congressional intent of using reimbursement to fund the government service of delivering mail, and also has created an inequitable tax situation for rural carriers. If actual business expenses exceed the EMA, a deduction for those expenses should be allowed. To correct this inequity, I am introducing a bill today that reinstates the ability of a rural letter carrier to choose between using the actual expense method for computing the deduction allowable for business use of a vehicle, or using the current practice of deducting the reimbursed EMA expenses.

Rural carriers perform a necessary and valuable service and face many changes and challenges in this new Internet era. We must make sure that these public servants receive fair and equitable tax treatment as they perform their essential role in fulfilling the Postal Service's mandate of binding the Nation together.

I urge my colleagues to join Senators BINGAMAN, MURKOWSKI, JEFFORDS, CONRAD, BREAUX, ROCKEFELLER, DASCHLE, BAUCUS, LINCOLN and myself in sponsoring this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN EXPENSES OF RURAL LETTER CARRIERS.

(a) IN GENERAL.—Section 162(o) of the Internal Revenue Code of 1986 (relating to treatment of certain reimbursed expenses of rural mail carriers) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

“(2) SPECIAL RULE WHERE EXPENSES EXCEED REIMBURSEMENTS.—Notwithstanding paragraph (1)(A), if the expenses incurred by an employee for the use of a vehicle in performing services described in paragraph (1) exceed the qualified reimbursements for such expenses, such excess shall be taken into account in computing the miscellaneous itemized deductions of the employee under section 67.”

(b) CONFORMING AMENDMENT.—The heading for section 162(o) is amended by striking “REIMBURSED”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Mr. BINGAMAN. Mr. President, I rise today to introduce this important legislation with the Chairman of the Finance Committee and several of our colleagues that would reduce the costs incurred by rural letter carriers by allowing them to deduct the actual expenses they incur when using their own vehicle to deliver the mail. For many years, rural letter carriers were allowed to calculate their deductible expenses by using either a special formula or keeping track of their costs. In 1997, Congress simplified the tax treatment for letter carriers, but disallowed them the ability to use the actual expense method (business portion of ac-

tual operation and maintenance of the vehicle, plus depreciation) for calculating their costs. The result is that many letter carriers are unable to account for the real expenses they incur when using their own vehicle to deliver the mail. This problem has been exacerbated by the increased need for larger vehicles by rural letter carriers, in part, due to the volume and size of parcels. Road conditions and severe weather have also increased vehicle costs because of the necessity to have an SUV or four wheel drive vehicle. These letter carriers must often purchase special vehicles with right hand drive capabilities which are more expensive than the regular counterpart and may have little to no value when it is time to trade them in for a new one. It is important that these mail carriers are not forced to pay these costs out of their own pockets.

Although the internet has made the world seem smaller, purchased goods must still be delivered. The benefits of internet purchases in remote locations is limited if the purchased item cannot be delivered. For this reason, in rural states, such as New Mexico, these letter carriers play an important role in delivering the majority of the state's mail and parcels. On a daily basis, across the nation rural letter carriers drive over 3 million miles delivering mail and parcels to over 30 million families. We need to be sure that we have not created a tax impediment for these dedicated individuals. I look forward to working with the Chairman and my colleagues to get this legislation passed this year.

By Mr. BOND:

S. 861. A bill to enhance small business access to Federal contracting opportunities and provide technical advice and support that small businesses need to perform contracts awarded to them, and for other purposes; to the Committee on Small Business.

Mr. BOND. Mr. President, today I offer a bill to take a successful pilot program at the Department of Defense, make it permanent, and extend it governmentwide. For the past decade, DOD has had a program in place to try to develop and maintain small business vendors as a vital part of our Nation's defense industrial base. This program, the Mentor-Protégé program, has also been a principal source of opportunity for small business, to offset some of the other Federal procurement practices that have squeezed small business out of contracting.

Those two goals, the enhanced vendor base and improved opportunity, are worth emphasizing before I discuss the specific provisions of this bill. Why is small business participation in contracting important?

Far too often, small business is seen as just another social or economic development program. In Federal contracting, however, it is much more than that. Small business is a critical, vital, indispensable part of our nation's preparedness for its defense.

We have been working here in the Senate toward trying to shore up our defense preparedness. For the better part of a decade, DOD has had more and more missions with fewer and fewer resources. Now that we are trying to overcome this neglect with additional funding, we must also ensure that our economic base is strong, as well. It will do little good to have the money to buy defense-related goods and services if there are no vendors available to sell them.

The DOD Office of Small and Disadvantaged Business Utilization has an excellent slogan that drives this point home. "Small Business: A Readiness Multiplier."

So, keeping small business involved in contracting is a matter of self-interest for our Nation. It is a matter of having the goods, the services, the resources for the warfighter to take into battle.

Second, small business must have access to contracting as a matter of economic opportunity. The Government is an enormous customer. It averages about \$180 to \$190 billion worth of contracting every year. No one else has that kind of presence in the marketplace.

If the Government spends the lion's share of its money on a handful of large insider corporations, it distorts the marketplace. It tends to give unfair advantage to the winning firms, purely because of the Government's enormous purchasing power.

To avoid harming our economy with that kind of market distortion, the small business program seeks to disperse Government contracts among a variety of vendors. The small business program is not so much an intervention in the economy as it is a dilution of the distortion that would otherwise occur.

Unfortunately, over the last decade the Government has increasingly squeezed small business out of contracting. As part of the "Reinventing Government" effort, acquisition has been streamlined.

Now, I don't mean to suggest that all acquisition reform has been harmful. In fact, burdensome processes and bureaucracy also tend to discourage small business. Large businesses are more likely to have lawyers and contracting staff to wade through the bureaucracy, so excessive emphasis on process tends to crowd out small business.

But in some areas we have gone too far. Contract bundling is a good example of this. By rolling several small contracts into large packages, the Government has made things simpler and faster for the contracting officers. It is administratively simpler to handle one bundled contract than ten smaller ones.

However, that often crowds out small business. A small business owner looks at one of these huge contracts and says, "Even if I won that contract, I couldn't carry it out. It's too big, and

the requirements are too complex." So she, and it is often women business owners that suffer, she doesn't even bother to bid.

Those two issues, the need to improve opportunity and to strengthen our defense vendor base, show why we need to take specific steps to restore small business access to procurement opportunities.

Fortunately, we have a successful model to build upon!

In the Fiscal 1991 defense authorization bill, the Congress adopted a provision to help small firms develop the technical infrastructure necessary to perform Federal contracts effectively. This pilot program, the Mentor-Protégé program, provided for prime contractors either to be reimbursed for their added costs in providing technical assistance to small firms, or to receive credit for accomplishing their subcontracting plans in lieu of reimbursement.

Experience under the Mentor-Protégé pilot program has been very positive. We have learned a lot about what it takes to get small businesses ready to be serious players in Federal procurement. For firms that are simply delivering a specific order for a product, performing on that delivery order is often simple enough.

But longer term, larger contracts are more complex. They require sustained effort over many months or years. They require a firm to commit to and achieve intermediate milestones on time. They require the firm to maintain quality assurance standards month in and month out, year in and year out. This can be extraordinarily challenging.

Mentor firms have demonstrated that they can help train small protégé firms to develop that infrastructure, so necessary to be successful in larger Federal contracts.

I have a case history right here that I call to the attention of my colleagues. Scott Ulvi, of Anteon Corporation, has written me about his experience in mentoring, and Ray Lopez, of Engineering Services Network, has written about the value of the training and assistance he received from Anteon. I call particular attention to Mr. Lopez' experience in successfully receiving Federal contracts, only to have the reality sink in that he was originally unprepared to carry them out. His experience is truly instructive of what small business owners encounter daily, and I call his letter to the attention of my colleagues. I will ask unanimous consent that both letters be inserted into the RECORD at the conclusion of my remarks.

The bill I am offering today would build upon the experience with the DOD program and make it governmentwide. Specifically, the Administrator of the Small Business Administration would be charged with developing a governmentwide program that would provide assistance to all types of firms targeted for special procurement procedures under the Small Business Act.

Now, it would not be possible for the SBA to manage every Mentor-Protégé relationship in the Federal Government. It would be administratively impossible. Thus, my bill calls for the Administrator to develop a core Mentor-Protégé program, applicable across the Government, and to reimburse part of the expenses of agencies that agree to adopt the SBA program. Agencies would administer the program in-house, but would apply to be reimbursed for up to 50 percent of certain expenses incurred in a program that conforms to the Administrator's guidelines.

The expenses to be partially reimbursed are those for which an agency reimburses the mentoring firms. Mentor firms can get reimbursed from the contracting office for added costs they incur in providing technical, managerial, and developmental assistance to the protégé firm. Under this bill, up to 50 percent of these costs would then in turn be reimbursed to the agency from the SBA. The technical assistance provided through this reimbursable program is far and away the most valuable, as the letter from Scott Ulvi of Anteon Corporation describes. This program seeks to help agencies put together the resources they need to make such reimbursements.

This program will help all agencies of the Government strengthen their vendor base, just as it has for the Department of Defense. It will help small businesses develop their abilities to compete for larger contracts, and the taxpayer will be the ultimate winner as a result of that competition. It also meets one of the Bush administration's goals, as described in the recent budget submission, of reducing fragmentation among Federal programs by ensuring a uniform, core Mentor-Protégé program across the Government.

Nothing succeeds like success. The DOD Mentor-Protégé program, adopted as a pilot in 1991, has been such a success. Now we need to learn from that success and make it available across the Government. My bill proposes to do exactly that and I ask unanimous consent that the text of the bill and supporting letters be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Governmentwide Mentor-Protégé Program Act of 2001".

SEC. 2. MENTOR-PROTEGE PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 36 as section 37; and

(2) by inserting after section 35 the following:

"SEC. 36. MENTOR-PROTEGE PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a Program to be

known as the 'Governmentwide Mentor-Protege Program'.

"(b) PURPOSES.—The purposes of the Program are to provide—

"(1) incentives for major Federal contractors to assist eligible small business concerns to enhance the capabilities of eligible small business concerns to perform as subcontractors and suppliers under Federal contracts in order to increase the participation of eligible small business concerns as subcontractors and suppliers under those contracts; and

"(2) Governmentwide criteria for partial reimbursement of certain agency costs incurred in the administration of the Program.

"(c) PROGRAM PARTICIPANTS.—

"(1) MENTOR FIRMS.—A mentor firm may enter into agreements under subsection (e) and furnish assistance to eligible small business concerns upon making application to the head of the agency for which it is contracting and being approved for participation in the Program by the head of the agency.

"(2) ELIGIBLE SMALL BUSINESS CONCERNS.—

"(A) IN GENERAL.—An eligible small business concern may obtain assistance from a mentor firm upon entering into an agreement with the mentor firm to become a protege firm, as provided in subsection (e).

"(B) RESTRICTION.—A protege firm may not be a party to more than one agreement to receive assistance described in subparagraph (A) at any time.

"(3) CERTIFICATION.—

"(A) IN GENERAL.—Before receiving assistance from a mentor firm under this section, a small business concern shall furnish to the mentor firm—

"(i) if the Administration regularly issues certifications of qualification for the category of that small business concern listed in subsection (k)(1), that certification; and

"(ii) if the Administration does not regularly issue certifications of qualification for the category of that small business concern listed in subsection (k)(1), a statement indicating that it is an eligible small business concern.

"(B) DEVELOPMENT OF CERTIFICATION.—Nothing in this section shall be construed to require the Administration to develop a certification program for any category of small business concern listed in subsection (k)(1).

"(C) ASSISTANCE TO NON-ELIGIBLE SMALL BUSINESS CONCERN.—If at any time, a small business concern is determined by the Administration not to be an eligible small business concern in accordance with this section—

"(i) the small business concern shall immediately notify the mentor firm of the determination; and

"(ii) assistance furnished to that small business concern by the mentor firm after the date of the determination may not be considered to be assistance furnished under the Program.

"(d) MENTOR FIRM ELIGIBILITY.—

"(1) IN GENERAL.—Subject to subsection (c)(1), a mentor firm that is eligible for award of Federal contracts may enter into an agreement with one or more protege firms under subsection (e) and provide assistance under the Program pursuant to that agreement, if the mentor firm demonstrates to the subject agency the capability to assist in the development of protege firms.

"(2) PRESUMPTION OF CAPABILITY.—A mentor firm shall be presumed to be capable under paragraph (1) if the total amount of contracts and subcontracts that the mentor firm has entered into with the subject agency exceeds an amount determined by the Administrator, in consultation with the head of the subject agency, to be significant relative to the contracting volume of the subject agency.

"(e) MENTOR-PROTEGE AGREEMENT.—

"(1) IN GENERAL.—Before providing assistance to a protege firm under the Program, a mentor firm shall enter into a mentor-protege agreement with the protege firm regarding the assistance to be provided by the mentor firm.

"(2) CONTENTS OF AGREEMENT.—The agreement required by paragraph (1) shall include—

"(A) a developmental program for the protege firm, in such detail as may be reasonable, including—

"(i) factors to assess the developmental progress of the protege firm under the Program; and

"(ii) the anticipated number and type of subcontracts to be awarded to the protege firm;

"(B) a Program participation term of not longer than 3 years, except that the term may be for a period of not longer than 5 years if the Administrator determines, in writing, that unusual circumstances justify a Program participation term of longer than 3 years; and

"(C) procedures for the protege firm to terminate the agreement voluntarily and for the mentor firm to terminate the agreement for cause.

"(f) FORMS OF ASSISTANCE.—A mentor firm may provide to a protege firm—

"(1) assistance using mentor firm personnel, in—

"(A) general business management, including organizational management, financial management, and personnel management, marketing, business development, and overall business planning;

"(B) engineering and technical matters, including production, inventory control, and quality assurance; and

"(C) any other assistance designed to develop the capabilities of the protege firm under the developmental program referred to in subsection (e)(2)(A);

"(2) the award of subcontracts on a non-competitive basis under Federal contracts;

"(3) progress payments for performance of the protege firm under a subcontract referred to in paragraph (2), in amounts as provided for in the subcontract, except that no such progress payment may exceed 100 percent of the costs incurred by the protege firm for the performance;

"(4) advance payments under subcontracts referred to in paragraph (2);

"(5) loans;

"(6) cash in exchange for an ownership interest in the protege firm, not to exceed 10 percent of the total ownership interest;

"(7) assistance obtained by the mentor firm for the protege firm from—

"(A) small business development centers established pursuant to section 21;

"(B) entities providing procurement technical assistance pursuant to chapter 142 of title 10, United States Code; or

"(C) a historically Black college or university or a minority institution of higher education.

"(g) INCENTIVES FOR MENTOR FIRMS.—

"(1) REIMBURSEMENT FOR PROGRESS OR ADVANCE PAYMENT.—The head of the agency for which a mentor firm is contracting may provide to a mentor firm reimbursement for the total amount of any progress payment or advance payment made under the Program by the mentor firm to a protege firm in connection with a Federal contract awarded to the mentor firm.

"(2) REIMBURSEMENT FOR MENTORING ASSISTANCE.—

"(A) MENTOR FIRM.—The head of the agency for which a mentor firm is contracting may provide to a mentor firm reimbursement for the costs of the assistance furnished to a protege firm pursuant to para-

graphs (1) and (7) of subsection (f), as provided for in a line item in a Federal contract under which the mentor firm is furnishing products or services to the agency, subject to a maximum amount of reimbursement specified in the contract, except that this subparagraph does not apply in a case in which the head of the agency determines in writing that unusual circumstances justify reimbursement using a separate contract.

"(B) TOTAL AMOUNT OF REIMBURSEMENT.—The total amount reimbursed under subparagraph (A) to a mentor firm for costs of assistance furnished in a fiscal year to a protege firm may not exceed \$1,000,000, except in a case in which the head of the subject agency determines in writing that unusual circumstances justify reimbursement of a higher amount.

"(C) REIMBURSEMENT TO AGENCY.—The head of an agency may submit documentation to the Administrator indicating the total amount of reimbursement that the agency paid to each mentor firm under this paragraph, and the agency shall be reimbursed by the Administration for not more than 50 percent of that total amount, as indicated in the documentation.

"(3) COSTS NOT REIMBURSED.—

"(A) IN GENERAL.—

"(i) CREDIT.—Costs incurred by a mentor firm in providing assistance to a protege firm that are not reimbursed pursuant to paragraph (2) shall be recognized as credit in lieu of subcontract awards for purposes of determining whether the mentor firm attains a subcontracting participation goal applicable to the mentor firm under a Federal contract or under a divisional or companywide subcontracting plan negotiated with an agency.

"(ii) SUBJECT AGENCY AUTHORITY.—Clause (i) shall not be construed to authorize the negotiation of divisional or companywide subcontracting plans by an agency that did not have such authority before the date of enactment of the Governmentwide Mentor-Protege Program Act of 2001.

"(B) AMOUNT OF CREDIT.—The amount of the credit given to a mentor firm for unreimbursed costs described in subparagraph (A) shall be equal to—

"(i) 4 times the total amount of the unreimbursed costs attributable to assistance provided by entities described in subsection (f)(7);

"(ii) 3 times the total amount of the unreimbursed costs attributable to assistance furnished by the employees of the mentor firm; and

"(iii) 2 times the total amount of any other unreimbursed costs.

"(C) ADJUSTMENT OF CREDIT.—Under regulations issued by the Administrator pursuant to subsection (j), the head of the subject agency shall adjust the amount of credit given to a mentor firm pursuant to subparagraphs (A) and (B) of this paragraph, if the head of the subject agency determines that the performance of the mentor firm regarding the award of subcontracts to eligible small business concerns has declined without justifiable cause.

"(h) ADMINISTRATIVE PROVISIONS.—

"(1) DEVELOPMENTAL ASSISTANCE.—For purposes of this Act, no determination of affiliation or control (either direct or indirect) may be found between a protege firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to the protege firm pursuant to a mentor-protege agreement under this section any form of developmental assistance described in subsection (f).

"(2) PARTICIPATION IN PROGRAM.—Notwithstanding section 8, the Administration may not determine an eligible small business concern to be ineligible to receive any assistance authorized under this Act on the basis

that the small business concern has participated in the Program, or has received assistance pursuant to any developmental assistance agreement authorized under the Program.

“(3) ADMINISTRATION REVIEW.—

“(A) IN GENERAL.—Upon determining that the mentor-protégé program administered by the subject agency conforms to the standards set forth in the rules issued under subsection (j)(1), the Administrator may not require a small business concern that is entering into, or has entered into, an agreement under subsection (e) as a protégé firm, or a firm that makes an application under subsection (c)(1), to submit the application, agreement, or any other document required by the agency in the administration of the Program to the Administration for review, approval, or any other purpose.

“(B) EXCEPTION.—The Administrator may require submission for review of an agreement entered into under subsection (e), or application submitted under subsection (c)(1), if the agreement or application relates to—

“(i) a mentor-protégé program administered by the agency that does not conform to the standards set forth in the rules issued under subsection (j)(1); or

“(ii) a claim for reimbursement of costs submitted by an agency to the Administration under subsection (g)(2)(C) that the Administrator has reason to believe is not authorized under this section.

“(i) PARTICIPATION IN PROGRAM NOT TO BE A CONDITION FOR AWARD OF A CONTRACT OR SUBCONTRACT.—A mentor firm may not require a small business concern to enter into an agreement with the mentor firm pursuant to subsection (e) as a condition for being awarded a contract by the mentor firm, including a subcontract under a contract awarded to the mentor firm.

“(j) REGULATIONS.—

“(1) PROPOSED RULES.—Not later than 270 days after the date of enactment of the Governmentwide Mentor-Protégé Program Act of 2001, the Administrator shall issue final rules to carry out this section.

“(2) PROPOSED RULES FROM THE FEDERAL ACQUISITION REGULATORY COUNCIL.—Not later than 180 days after the date of issuance of the final rules of the Administration under paragraph (1), the Federal Acquisition Regulatory Council shall publish final rules that conform to the final rules issued by the Administration.

“(k) DEFINITIONS.—In this section—

“(1) the term ‘eligible small business concern’ means—

“(A) any qualified HUBZone small business concern, as defined in section 3(p)(5);

“(B) any small business concern that is owned and controlled by women, as defined in section 3(n);

“(C) any small business concern that is owned and controlled by socially and economically disadvantaged individuals, as defined in section 8(a)(4); and

“(D) any small business concern that is owned and controlled by service-disabled veterans, as defined in section 3(q)(2);

“(2) the term ‘historically Black college and university’ means any of the historically Black colleges and universities referred to in section 2323 of title 10, United States Code;

“(3) the term ‘mentor firm’ means a business concern that—

“(A) meets the requirements of subsection (d); and

“(B) is approved for participation in the Program under subsection (c)(1);

“(4) the term ‘minority institution of higher education’ means an institution of higher education with a student body that reflects the composition specified in paragraphs (3), (4), and (5) of section 312(b) of the Higher

Education Act of 1965 (20 U.S.C. 1058(b)(3), (4), (5));

“(5) the term ‘Program’ means the Mentor-Protégé Program established under this section;

“(6) the term ‘protégé firm’ means an eligible small business concern that receives assistance from a mentor firm under this section; and

“(7) the term ‘subcontracting participation goal’, with respect to a Federal Government contract, means a goal for the extent of the participation by eligible small business concerns in the subcontracts awarded under such contract, as established by the Administrator and the subject agency head, in accordance with the goals established pursuant to section 15(g).

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2002 through 2004.”

ANTEON CORPORATION,
Fairfax, VA, April 30, 2001.

Senator CHRISTOPHER S. BOND,
Chairman, Small Business Committee, Russell
Senate Office Building, Washington, DC.

DEAR SENATOR BOND: Anteon Corporation is a mid-sized Government contractor that has been a Department of Defense Mentor since 1997. This program has enabled Anteon to provide valuable assistance to seven small disadvantaged businesses at critical points in their development. We are committed to the success of our protégé firms and the Mentor-Protégé Program overall. The responsibility of a mentor is a serious one. We recognize this and have established a separate Mentor-Protégé organization dedicated to delivering the highest quality mentoring services. This has been made possible primarily by the reimbursement provided under our Mentor-Protégé Agreements within the DOD. The financial incentives from DOD's program have produced significant results in several of Anteon's Mentor-Protégé Agreements:

Anteon and Engineering Services Network, Inc.—March 2001, DoD Nunn-Perry Award winning team—240% Growth in Revenues in 18 months; 178% Growth in employees; 1,281% return on investment (ROI) since March 1999.

Anteon and CETECH, Inc.—422% Growth in Revenues in 36 months; 400% Growth in employees; 452% ROI over 36 months.

Anteon and DaySys, Inc.—217% improvement in Revenues; 128% improvement in profit from 1999 to 2001 (projected).

While each firm is certainly unique, the common denominator for the success realized under this program, is the owner's recognition of the value of a mentor and a willingness to accept assistance. Anteon's success as a mentor comes from our commitment and dedication to our protégé and the program. Our experience has taught us that a truly successful program must focus on technical development while effectively balancing the infrastructure support so important to small businesses. Technical development is unquestionably the most important component of this program because it increases the value and competitive posture of the protégé to the customer. As a result of the DOD Mentor-Protégé Program our protégés have been able to receive technical development in such critical areas as: ISO 9000 Quality Management System Certification; Software Engineering Institute Capability Maturity Model preparation; and other high technology development in the disciplines of engineering and information technology. These important skills produce significant return to the Federal Government in terms of increased efficiency, lower costs and higher project success rates.

The success of our program is the direct result of knowledge, experience and a great

deal of hard work, work that would not have been possible without the support afforded this program by the DOD, both financially and otherwise. This program is what it is today because of the tremendous support and vision of its leaders past and present. Mr. Robert Neal, Mr. George Schultz, and Ms. Janet Koch have shown relentless commitment to the success of the Mentor-Protégé program in DOD and deserve the lion's share of recognition for the program's success. The support of the Congress in reauthorizing this program every year for the last decade speaks volumes of the support received by our Nation's leaders. The support for this program must continue and the program must grow to reach the multitude of deserving small businesses that desperately need the assistance.

Mentor firms like Anteon receive considerable business, social and political value from this program. That value translates directly to the bottom line by taking part in the growth and success of our protégés as business partners and through our active participation in the small business community. My mentor once told me that the highest calling of a leader is to develop others—I truly believe that. My reward for being a mentor is the gratification of knowing that my efforts have helped to develop the business leaders of tomorrow.

Anteon stands ready to assist the Department of Defense, the Congress and the Federal Government in any way possible to ensure the continued success and growth of this most important program.

Sincerely,

M.N. SCOTT ULVI,
Director, Mentor-Protégé Programs.

ENGINEERING SERVICES
NETWORK, INC.,
Arlington, VA, April 27, 2001.

Senator CHRISTOPHER S. BOND,
Chairman, Small Business Committee, Russell
Senate Office Building, Washington, DC.

DEAR SENATOR BOND: I would like to make you aware of what I consider to be the most important small business program currently available to small businesses whether they be minority owned, veteran owned, woman owned, or otherwise. The Mentor-Protégé Program is so important that it transcends personalities, race, creed, color or religion. This program has enabled my firm, Engineering Services Network, Inc., to realize remarkable success in a very short period of time. The Mentor-Protégé Program deserves continued and increasing support from the Federal government and our Executive Branch.

After my retirement from the U.S. Navy in 1994, I considered a career coaching in the secondary education system. I also had an interest in providing high technology services to my former fellow shipmates and the patriots of this great nation. My wife and I made the decision that the transition to a business life would be easier if I could provide services to the organization that meant so much to me for thirty years. Little did I realize the amount of headwork, legwork, anxiety and mental toughness required to enter the field of business. Our first few years became the toughest challenge of our lives. Although I was technically astute in Command, Control, Communication, Combat Systems and the various operational aspects of the United States Navy, I soon realized that I was ill prepared for the challenges presented by owning your own business. I enjoyed a gift that enabled me to bring in business, but quickly found that we lacked the necessary skills and experience within the firm to manage and grow the work that I'd captured. We needed to learn the basic skills of pricing, contract management, and

project management in order to perform successfully. On the business side, the basic and key concepts of developing a solid business plan were foreign to me. The significance and meaning of operating assets and liabilities were as unfamiliar to me as the standard operational procedures of an MI Tank. I was a warrior, not a businessman.

After two years of slowly building the organization to 18 employees, surviving delivery order to delivery order, and continually asking ourselves whether the effort was worth the reward, two pivotal events occurred:

1. The company received its 8(a) status from the Small Business Administration.

2. We entered into an informal Mentor-Protégé relationship with Anteon Corporation.

The 8(a) program was instrumental in opening doors to market areas in which our corporation would not normally compete. Our informal mentor protégé relationship with Anteon provided us access to training resources that allowed us to understand some of the basic concepts of doing business in the DOD arena. This was an important asset for ESN at such a critical point in our business life.

In 1999 ESN and Anteon took the next natural step in advancing our relationship by entering into a formal Mentor-Protégé relationship through the Defense Information Systems Agency (DISA). In the short four years since its birth, the company had grown to 28 employees and had limped along with limited and inexperienced infrastructure.

The formal Mentor-Protégé relationship established a far more structured and focused approach to assisting ESN with its developmental needs. Our mentor introduced to us cutting edge and critical ideas, not only in technology but in our financial and other responsibilities as a company. They have helped ESN to implement effective management controls including budgeting and financial management and are largely responsible for catalyzing ESN's commitment to achieve ISO 9000 certification in 2001. Our mentor has helped us build a foundation that will take ESN far into the 21st century. After only two short years in our formal Mentor-Protégé relationship with Anteon we employ 87 people, which would not have been possible without our Mentor's help. Our progress was recognized by the Department of Defense in March 2001 with the award of the prestigious Nunn-Perry Award. As a result of the progress we have made, ESN is able to contribute to the Gross National Product and provide outstanding technical and engineering skills to our nation's warfighters. I am now a businessman and former warrior.

Without the Mentor-Protégé Program there would be no "ESNs" to contribute to the important cause of keeping our nation safe and free by protecting our country and our national security. As you can tell from this letter, I fully believe in and support the Mentor-Protégé Program, established many years ago by our forward thinking leaders, and willingly respond to any call that will help to continue and improve this program.

Sincerely,

RAYMOND F. LOPEZ, Jr.,
President & CEO.

By Mrs. FEINSTEIN (for herself,
Mr. KYL, Mr. GRAHAM, Mr.
REID, Mr. BINGAMAN, Mr.
KERRY, and Mr. MCCAIN):

S. 862. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2002 through 2006 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the "State Criminal Alien Assistance Program Reauthorization Act of 2001," bipartisan legislation that would authorize funds to relieve State and county governments of the some of the high costs of incarcerating persons who enter this country illegally and are later convicted of felonies or multiple misdemeanors. I am pleased to be joined in introducing this bill by Senators JON KYL, BOB GRAHAM, JOHN MCCAIN, HARRY REID, JEFF BINGAMAN, and JOHN KERRY.

The broad principle on which this bill is based is simple: the control of illegal immigration is a Federal responsibility. The Federal government's failure to control illegal immigration, and the financial and human consequences of this failure are, thus, Federal responsibilities as well.

More and more, the fiscal consequences of illegal immigration are being dealt to the states and local counties. The "State Criminal Alien Assistance Program Reauthorization Act of 2001" would properly vest the fiscal burden of incarcerating illegal immigrants who commit crimes with the Federal government. It would do this by authorizing up to \$750 million for federal reimbursement to the States and county governments for the direct costs associated with incarcerating undocumented felons.

At the initiative of my colleague from Florida, Senator BOB GRAHAM, the Federal government took the first steps in 1994 in addressing these costs by authorizing reimbursements to State and local governments through the State Criminal Alien Assistance Program, SCAAP, established by the Violent Crime and Law Enforcement Act of 1994. Since 1997, the authorization level for SCAAP has been \$650 million. Last year, the provision authorizing SCAAP funding through the Violent Crime Reduction Trust Fund expired. Enactment of the reauthorization legislation would constitute an acknowledgment that these costs, though borne by other levels of government, remain the Federal government's obligation.

Winning enactment of this authorization bill is half of what Congress needs to do to provide adequate funding to states and counties for this important program. Congress also must appropriate an adequate level of funding for SCAAP, and my colleagues and I will be working in the Appropriations Committee to assure that this is done.

This bill would help all states that are experiencing increasing costs from incarcerating undocumented felons, both low-impact and high-impact states. Even in historically low impact states and counties SCAAP funding has been on the rise. SCAAP funding to Fairfax County, Virginia, for example, has risen from \$14,906 in FY 1999 to \$2 million in FY 2000. In the County of Outagamie, Wisconsin, SCAAP funding has jumped from \$0 in FY 1999 to

\$548,458 in FY 2000. In the State of Mississippi, SCAAP funding rose from \$47,171 in FY 1999 to \$780,795 in FY 2000.

Clearly, these numbers suggest that the increasing costs to states and local governments for incarcerating criminal aliens is not just a problem for States on the southwest border but, rather, it is a nationwide problem.

High impact States, like California, continue to face extraordinary criminal alien incarceration costs. In February 1997, there were 17,904 undocumented felons in the California correctional system with Immigration and Naturalization Service holds. By the end of February 2001, there were 20,937 illegal alien inmates in the system with INS holds. This year, California taxpayers can expect to spend \$576.1 million to pay for what is, indeed, a Federal obligation. In fact, 1995, the first year in which SCAAP funding was awarded, California has spent a total of \$3.8 billion in costs directly associated with incarcerating undocumented criminal aliens.

Local counties often shoulder a disproportional share of the burden of criminal aliens as well. In California, for example, counties are responsible for providing local law enforcement, detention, prosecution, probation and indigent defense services. While SCAAP only reimburses a portion of the costs directly related to the incarceration of undocumented criminal aliens, most other indirect criminal justice expenditures, are fully borne by County taxpayers.

Furthermore, while funding levels for SCAAP has remained about the same, the number of local governments applying for the awards has greatly increased over the past few years. In fiscal year 1996, local governments were reimbursed at a rate of approximately 60 percent for the costs of incarcerating criminal aliens convicted of a felony or two or more misdemeanors when only 90 jurisdictions applied for such reimbursement. For fiscal year 2000, 361 local jurisdictions applied for SCAAP funding, and reimbursement amounted to less than 40 percent of the costs incurred by these jurisdictions.

SCAAP funding is especially important to Los Angeles County, which has a larger undocumented immigrant population than any single state except California, and operates the nation's largest local criminal justice system. Los Angeles County also has a violent crime rate which is far higher than the national average, and accounts for about one out of every 16 violent crimes committed in the United States.

A recent study conducted by the Los Angeles County Sheriff's Department concluded that 23 percent of the County's inmate population consisted of criminal aliens in 2000. The study further found that the impact of criminal aliens on the criminal justice system in Los Angeles County had doubled from approximately \$75 million in 1990 to more than \$150 million in 1999.

There are numerous other jurisdictions in California that are significantly affected by criminal aliens, including the border counties of San Diego and Imperial. Like Los Angeles County, these counties are not being adequately reimbursed for the costs associated with the incarceration of criminal aliens.

In FY 1999 San Diego and Imperial counties spent a combined \$56 million on law enforcement and indirect costs involving illegal aliens, whether criminal or not. These costs include criminal alien incarceration, justice and court costs, emergency medical care, autopsies, and burials of indigents. SCAAP compensated these counties for only \$8 million or 15 percent of these costs which went solely to the cost of incarcerating criminal aliens.

Border counties, however, are taking a hit in other areas: San Diego, has to spend 7 percent of its total public safety budget to cover other costs, including indigent defense, court and emergency medical costs; Imperial County expends 16 percent of its public safety budget to cover these costs.

The structure of public financing in California makes it extremely difficult for local governments, especially county governments, to increase their sources of revenue. This problem is greatly exacerbated when they are also forced to pay for costs related to the Federal responsibility of controlling illegal immigration.

Without the ability to raise taxes in any significant way to deal with the costs associated with criminal illegal aliens, counties are forced to cut back on other expenditures that would otherwise benefit the legal resident population.

It is unfortunate, that at a time when Congress is concerned about unfunded mandates, the Administration has seen fit to proposed cutting SCAAP funding by almost \$300 million for fiscal year 2002. Given the increasing numbers of illegal aliens that California and other states incarcerate each year, the Administration's decision in this regard is perplexing.

If the Administration has its way, States and local counties would face an unfair set of choices with real consequences: either cut other essential local law enforcement programs and community services, or raise local taxes. Neither of these are acceptable options.

I am pleased that this legislation has the support of such organizations as the National Association of Counties and the California Correctional Peace Officers Association. I ask for unanimous consent that their letters in support of this measure be printed in the RECORD.

I also ask unanimous consent that the letter to President Bush, signed by a bipartisan group of Senators, expressing concern about the proposed cuts in SCAAP funding and the text of the bill be printed into the RECORD.

I join my colleagues in introducing the SCAAP reauthorization bill today

in hopes that it will go further to alleviate some of the fiscal hardships States and local counties incur when they must take on a Federal responsibility. I look forward to working with my colleagues to move it through the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Criminal Alien Assistance Program Reauthorization Act of 2001".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2002 THROUGH 2006.

Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1251(i)(5)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(G) \$750,000,000 for each of fiscal years 2002 through 2006."

U.S. SENATE,

Washington, DC, May 8, 2001.

Hon. GEORGE W. BUSH,

President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We write out of deep concern over your Fiscal Year 2002 Budget proposal to cut funding for the State Criminal Alien Assistance Program (SCAAP) by nearly 50 percent. We ask that you reconsider this recommendation and, instead, at a minimum, support funding this program at \$750 million. SCAAP is a vitally important program that assists states in recovering the costs associated with the incarceration of criminal aliens. We would strongly oppose cuts in this important program.

As you are well aware, control of our nation's borders is under the exclusive jurisdiction of the Federal government. Unfortunately, Federal efforts are often not adequate to combat illegal immigration. As a consequence, such high impact states as California, Arizona, New Mexico, Texas, Florida, New York, Washington, Nevada and Massachusetts continue to face extraordinary costs associated with incarcerating criminal aliens. Much of these costs are borne by counties, some of which are among the poorest in the nation and traditionally operate with slim budgets and staffing.

By some estimates, the total annual cost to states and county governments exceeds \$1.6 billion. In light of this growing burden, your FY 02 budget proposal inexplicably recommends cutting funding for this urgently needed program by \$300 million.

Unless the Administration supports and Congress appropriates sufficient funds for SCAAP, our state and local governments will continue to unfairly shoulder the burden of bearing the costs of a Federal responsibility. Given the upward trend in incarceration costs, any shortfall in SCAAP funding would force states to draw funds away from other, cash-strapped crime control and prevention programs. In short, the impact on the states would be devastating.

Therefore, we urge you to support funding for this important program at a level of \$750 million.

Sincerely,

DIANNE FEINSTEIN.

BOB GRAHAM.

JON KYL.

HARRY REID.

NATIONAL ASSOCIATION OF COUNTIES,

Washington, DC, May 1, 2001.

Hon. GEORGE W. BUSH,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: The National Association of counties strongly supports the State Criminal Alien Assistance program (SCAAP) at least at its full authorization level. However, we believe the program needs to be funded at a much higher level than proposed, in order to address the serious shortfall in meeting costs to counties.

As of today, SCAAP only reimburses counties at a rate of 40 percent of actual expenses. To truly meet our annual costs for the incarceration of alien undocumented criminals, this considerable increase in funding would be needed. Moreover, due to recent changes in the administration of the program, significant costs such as inmate recreation and drug treatment expenses are no longer recognized.

While immigration policy is solemnly within federal responsibility, many of the expenses associated with it burden counties and state governments. Costs of providing services for undocumented aliens extend to county hospitals and county health departments and county human service agencies. With the upward trend in incarceration costs, counties depend even more on federal programs such as SCAAP since most of our local correctional agencies are at or near capacity.

We strongly urge you to fund SCAAP at least at its full authorization level.

Sincerely,

LARRY E. NAAKE,
Executive Director.

PINELLAS COUNTY SHERIFF'S OFFICE,

Largo, FL, April 27, 2001.

Senator BOB GRAHAM,
Senate Hart Building, Washington, DC.

DEAR MR. PRESIDENT: We write to you in response to your Fiscal Year 2002 budget proposal to cut funding for the state Criminal Alien Assistance Program (SCAAP) by more than 50 percent. We urge you not to reduce the program but rather secure funding at a minimum of the current appropriation level. As of today, SCAAP only partly reimburses the actual expenses borne by state and local governments. To truly meet our annual costs for the incarceration of alien undocumented criminals, a considerable increase in the funding would be needed. Due to recent changes in the administration of the program, significant costs such as inmate recreation and drug treatment expenses are no longer recognized.

While immigration policy is solemnly within federal responsibility, many of the expenses associated with it burden local jurisdictions. Costs of providing services for undocumented aliens extend to the municipal police, local hospitals and health care department. With the upward trend in incarceration costs, counties depend even more on federal programs such as SCAAP since any undocumented alien caught committing a state felony or several misdemeanors enters the state or county criminal justice system.

We strongly ask you to reconsider your proposed cuts for SCAAP and instead secure financial assistance for the states and counties.

Sincerely,

EVERETT S. RICE,
Sheriff.

COLLIER COUNTY SHERIFF'S OFFICE,
Naples, FL, April 27, 2001.
Re State Criminal Alien Assistance Program
(SCAAP).

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write to you in response to your Fiscal Year 2002 budget proposal to cut funding for the State Criminal Alien Assistance Program (SCAAP) by more than 50 percent. We urge you not to reduce the program but rather secure funding at a minimum of the current appropriation level. As of today, SCAAP only partially reimburses the actual expenses borne by state and local governments. To truly meet our annual costs for the incarceration of alien undocumented criminals, a considerable increase in the funding would be needed. Due to recent changes in the administration of the program, significant costs such as inmate recreation and drug treatment expenses are no longer recognized.

While immigration policy is solemnly within federal responsibility, many of the expenses associated with it burden local jurisdictions. Costs of providing services for undocumented aliens extend to local law enforcement agencies, local hospitals, and health care departments. With the upward trend in incarcerations costs, counties depend even more on federal programs such as SCAAP since any undocumented alien caught committing a state felony or several misdemeanors enters the state or county criminal justice system.

We strongly urge you to reconsider your proposed cuts for SCAAP and instead secure financial assistance for the states and counties.

Sincerely,

DON HUNTER,
Sheriff.

HILLSBOROUGH COUNTY SHERIFF'S
OFFICE,
Tampa, FL, May 2, 2001.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: Enclosed is the original and a copy of my letter to President Bush regarding the State Criminal Alien Assistance Program. I appreciate the pro active stance that you have taken to counter the proposed funding cut.

We have examined Senate Bill 169 and do not feel that it is a reasonable alternative. Each county and state, regardless of its geographic location, should have equal opportunity to apply for reimbursement using the same formula and criteria.

The other questions that you posed regarding the efficiency and effectiveness of the current SCAAP program are on point, but we do not have supporting statistics or documentation readily available. I would simply suggest that adequate funding for the program in its current form is of greatest importance.

Thank you again for taking the lead to protect the SCAAP program.

Sincerely,

CAL HENDERSON,
Sheriff.

CALIFORNIA CORRECTIONAL
PEACE OFFICERS ASSOCIATION,
Sacramento, CA, May 9, 2001.

Hon. DIANNE FEINSTEIN,
Senate Hart Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing on behalf of the California Correctional Peace Officers Association (CCPOA), representing approximately 28,000 correctional officers

and parole agents in the State of California, to express our strong support for legislation you plan to introduce to reauthorize the State Criminal Alien Assistance Program (SCAAP).

It is our understanding that your bill would reauthorize the SCAAP program at an increased level of \$750,000,000 for fiscal years 2002 through 2006. As you know, this program reimburses state and local governments for the costs of incarcerating criminal aliens. This program pays for the incarceration costs of criminals who have illegally entered or stayed in our country, have committed at least one felony or two misdemeanor crimes while in this country, and are serving time in local jails or state prisons. SCAAP recognizes that the federal government has sole jurisdiction over preventing illegal immigration and should be accountable for the consequences of illegal immigration. States and counties should not have to bear the financial consequences of the federal government's failure to prevent illegal immigration.

CCPOA was disappointed that the President's \$265 million in funding for this program, a decrease of \$299 million from last year, because "SCAAP reimburses a relatively small portion of states incarceration costs and contributes little to reducing violent crime." SCAAP does only reimburse a small portion of states' incarceration costs, which is exactly why appropriations for this program need to be increased, not decreased. The program was never intended to reduce violent crime. It was intended, and has succeeded, in allowing state and local resources to be used on state and local crime issues, rather than federal responsibilities.

Again, CCPOA commends you for your leadership in this area. Please contact our Washington representative, Shannon Lahey if we can be of any assistance to you in securing the passage of this important legislation.

Sincerely,

MIKE JIMENEZ,
Executive Vice President.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, May 9, 2001.

Hon. DIANE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: I understand you will be introducing legislation tomorrow that will raise the SCAAP authorization level to \$750 million annually. The National Association of Counties (NACo) wishes to go on record in support of your legislation.

NACo recognizes that securing the nation's border from illegal immigration is clearly the responsibility of the federal government and that Congress should fully reimburse counties for the costs of incarcerating undocumented aliens.

We look forward to working with you on this issue.

Sincerely,

LARRY E. NAAKE,
Executive Director.

Mr. GRAHAM. Mr. President, I rise today, with my colleagues Senators FEINSTEIN, KYL, and others, to reauthorize the State Criminal Alien Assistance Program, or SCAAP.

SCAAP was created as part of the 1994 Violent Crime Control and Law Enforcement Act because the federal government recognized the responsibility we have to alleviate the impact of immigration policy on state and local governments.

The federal government has sole jurisdiction over national immigration policy, and we should do all possible so

that our federal decisions and actions do not cause a financial burden on states and localities.

SCAAP is a reimbursement program that sends dollars to our counties and states to help offset the costs associated with jailing illegal or criminal aliens.

SCAAP also established and now facilitates a process to better identify undocumented criminal aliens and to expedite the transfer of illegal aliens from state facilities and county jails to federal institutions in preparation for deportation, or other federal proceedings.

Thus, I was greatly concerned looking through the President's budget that this program was cut by more than 50 percent this year.

At the moment, SCAAP only provides reimbursement for about 37 cents of every dollar a state spends on criminal aliens.

We barely cover half the costs as is, and this is before the program was cut in half in this most recent budget.

For FY99, state and local governments incurred \$1.5 billion in costs associated with criminal aliens which were eligible for reimbursement under the SCAAP program. In FY98, costs to state and local governments were even higher: \$1.7 billion. This past year, \$1.6 billion was spent by state and local governments on these concerns. Yet, we funded the program at \$585 million in each of those years.

It's not as much reimbursement as is needed, but the reimbursement gives an appropriate and respectful amount of relief to state and local law enforcement budgets for the benefits they are providing to the federal government.

The National Governors Association has the reauthorization of this program as one of their top priorities for this year. I am certain that they also join me in asking that the program at least maintain funding levels of last year, if not a funding increase that will get them a more fair reimbursement for the dollars they spend.

The National Association of Counties supports reauthorization and full funding of SCAAP.

They make the point that state and local taxpayers should not have to bear the costs of criminal aliens. They are a federal responsibility, and should be transferred to federal custody in an expeditious manner.

Last year, every state, and more than 220 local governments received reimbursement under SCAAP.

This affects us all. I do not want to see the federal government backtrack on our obligation to state and local governments in the area of immigration.

Lastly, statements in the President's budget about this program concern me.

Two reasons were given for the cut of \$299 million which this program endured.

The first was that it "reimburses a relatively small portion of states' incarceration costs."

This statement is true. As I've said, it only reimburses state or local governments about 37 cents of each dollar they spend on illegal immigrants and criminal aliens.

However, this is no reason to further cut the program! If anything, if we agree on the premise that immigration policy is a federal responsibility, then it is reason to fully fund the program.

I have never seen a rationale given where there is clear federal jurisdiction, like in this case, that specifically says: we can only reimburse states a small portion of what we owe them, so let's cut the program in half. I fail to see how this accomplishes the most effective public policy.

The second reason that is given for the program cut is that it has contributed "little to reducing violent crime."

Again—on its face—this statement may be true, although I have not been able to obtain any supporting documentation that verifies it. But, regardless, that was never the Congressional intent of the program.

The intent of the program, clearly spelled out in the 1994 Crime bill, was to reimburse state, and later on through amendments in 1996, local governments for the costs they incur because of federal immigration policy. And, secondly, to expedite the transfer of criminal aliens from the state and local facilities where they may be originally held, into the federal system. I would argue that this, in and of itself, does reduce crime.

But I find it unfair that a program should be penalized with a 50 percent budget cut because it failed to achieve a goal that was never intended for the program.

Whichever side of the immigration debate you may be on—a more expansive immigration policy, or a more restrictive immigration policy—if you agree with the premise that immigration is the responsibility of and obligation of the federal government—then you should join us in our efforts to reauthorize and fully fund the SCAAP program.

I commend my colleagues, especially Senator FEINSTEIN and Senator KYL, for their tireless work on this issue. I look forward to seeing the program reauthorized and funded at an appropriate level this Congress.

Mr. McCain. Mr. President, I am pleased to join my distinguished colleagues in introducing this important legislation to reauthorize the State Criminal Alien Assistance Program, SCAAP. Our bill will provide a higher level of federal reimbursement to states and localities across America whose budgets are disproportionately affected by the costs associated with illegal immigration.

The premise of our bill, and of current law governing this type of federal reimbursement to the states, is that controlling illegal immigration is principally the responsibility of the federal government, not the states. Local jurisdictions in many areas of our coun-

try, and especially along the southwest border, are burdened by the excessive costs of incarcerating criminal illegal aliens and providing emergency medical care to illegal immigrants. In a typical year, the federal government reimburses states and localities for less than 40 percent of these costs.

Regrettably, the Bush Administration's proposed FY 2002 budget would slash SCAAP funding by 50 percent from its current, already-insufficient level of \$575 million. The National Governors' Association and the National Association of Counties, whose members deal with the problem of illegal immigration on a daily basis, believe we should increase, not cut, funding for this program, and I agree. SCAAP money flows to all 50 states and 350 local governments, with more applying for this assistance every year. Rather than forcing local residents to subsidize local jails and hospitals because of our government's failure to adequately reimburse them for illegal alien incarceration and medical costs, I hope we will take responsibility as a nation for protecting our borders and covering the contingencies that arise at the local level when we fail to do so.

The State Criminal Alien Assistance Program is an important expression of our government's commitment to border control, and to the quality of life of Americans who suffer the costs of illegal immigration. I thank my colleagues for considering the merits of our bill.

By Mr. REID:

S. 863. A bill to require Medicare providers to disclose publicly staffing and performance in order to promote improved consumer information and choice; to the Committee on Finance.

Mr. REID. Mr. President, I rise today to introduce the Patient Safety Act. This legislation would require Medicare providers, such as hospitals and clinics, to publicly disclose staffing ratios and performance data in order to promote improved consumer information and choice.

As we celebrate National Nurses Week, it is hard to ignore our nation's burgeoning nurse staffing crisis. As the baby-boom population ages and begins to require more nursing care, this shortage will only get worse. Inadequate staffing levels not only diminish nurses' working conditions, but they affect the quality of care patients receive. A recent report by the Department of Health and Human Services, *Nurse Staffing and Patient Outcomes in Hospitals*, confirmed that the number of nurses in a hospital makes a difference in the quality of care patients receive. One recommendation that came out of the study was the need to develop a system for routinely monitoring outcomes of hospital patient care sensitive to nursing and nurse staffing.

The Patient Safety Act would help to accomplish this goal by requiring health care institutions to make public

specified information on staffing levels, mix and patient outcomes. At a minimum, they would have to make public: the number of registered nurses providing direct care; the number of unlicensed personnel utilized to provide direct patient care; the average number of patients per registered nurse providing direct patient care; patient mortality rate; incidence of adverse patient care incidents; and methods used for determining and adjusting staffing levels and patient care needs.

In addition, health care institutions would have to make public data regarding complaints filed with the state agency, the Health Care Financing Administration (HCFA) or an accrediting agency related to Medicare conditions of participation. The agency would then have to make public the results of any investigations or findings related to the complaint.

I urge my colleagues to join me in supporting this bill that would improve the safety of patients by encouraging higher nurse to patient ratios, and ultimately help retain nurses in the face of a nationwide nursing shortage by encouraging safe work environments.

By Mr. LEAHY (for himself, Mr. LIBERMAN, and Mr. LEVIN):

S. 864. A bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in war crimes, genocide, and the commission of acts of torture and extrajudicial killings abroad; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce with Senators LIBERMAN and LEVIN the Anti-Atrocity Alien Deportation Act of 2001. I introduced similar legislation in the last Congress, and was pleased when the proposal garnered bipartisan support in both the House and the Senate. The measure was introduced in the last Congress by Representatives FOLEY, FRANKS and ACKERMAN as H.R. 2642 and H.R. 3058, and has again been introduced on April 4, 2001, by Representatives FOLEY and ACKERMAN as H.R. 1449. Moreover, the legislation passed the Senate, on November 5, 1999, as part of the Hatch-Leahy "Denying Safe Havens to Internationals and War Criminals Act," S. 1754, but unfortunately was not acted on by the House. The problem of human rights abusers seeking and obtaining refuge in this country is real, and requires an effective response with the legal and enforcement changes proposed in this legislation. The loss last week by the United States of its seat on the U.N. Human Rights Commission is highly embarrassing and unfortunate, but by ensuring that our country is no safe haven for human rights abusers, we can lead the world by our actions.

War criminals and human rights abusers have used loopholes in current law to enter and remain in this country. I have been appalled that this country has become a safe haven for those who exercised power in foreign countries to terrorize, rape, murder and torture innocent civilians. For example, three Ethiopian refugees proved in an American court that Kelbessa Negewo, a former senior government official in Ethiopia engaged in numerous acts of torture and human rights abuses against them in the late 1970's when they lived in that country. The court's descriptions of the abuse are chilling, and included whipping a naked woman with a wire for hours and threatening her with death in the presence of several men. The court's award of compensatory and punitive damages in the amount of \$1,500,000 to the plaintiffs was subsequently affirmed by an appellate court. See *Abebe-Jira v. Negewo*, 72 F.3d 844 (11th Cir. 1996). Yet, while Negewo's case was on appeal, the Immigration and Naturalization Service granted him citizenship.

As Professor William Aceves of California Western School of Law has noted, this case reveals "a glaring and troubling limitation in current immigration law and practice. This case is not unique. Other aliens who have committed gross human rights violations have also gained entry into the United States and been granted immigration relief." 20 Mich. J. Int'l.L. at 657. In fact, the Center for Justice and Accountability, a San Francisco human rights group, has identified approximately sixty suspected human rights violators now living in the United States.

Unfortunately, criminals who wielded machetes and guns against innocent civilians in countries like Haiti, Chile, Yugoslavia and Rwanda have been able to gain entry to the United States through the same doors that we have opened to deserving refugees. We need to lock that door to those human rights abusers who seek a safe haven in the United States. To those human rights abusers who are already here, we should promptly show them the door out.

We have unwittingly sheltered the oppressors along with the oppressed for too long. We should not let this situation continue. We waited too long after the last world war to focus prosecutorial resources and attention on Nazi war criminals who entered this country on false pretenses, or worse, with the collusion of American intelligence agencies. Last month, thousands of declassified CIA documents were made public, as a result of the Nazi War Crimes Disclosure Act that I was proud help enact in 1998, and made clear the extent that United States relied on and helped Nazi war criminals. As Eli M. Rosenbaum, the head of the Justice Department's Office of Special Investigations, noted, "These files demonstrate that the real winners of the Cold War were Nazi criminals." We should not

repeat that mistake for other aliens who engaged in human rights abuses before coming to the United States. We need to focus the attention of our law enforcement investigators to prosecute and deport those who have committed atrocities abroad and who now enjoy safe harbor in the United States.

When I first introduced this bill in 1999, the Pulitzer prize-winning paper, the *Rutland Herald*, opined on October 31, 1999, that:

For the U.S. commitment to human rights to mean anything, U.S. policies must be strong and consistent. It is not enough to denounce war crimes in Bosnia and Kosovo or elsewhere and then wink as the perpetrators of torture and mass murder slip across the border to find a home in America.

The Clinton Administration recognized the deficiencies in our laws. One Clinton Administration witness testified in February, 2000:

Right now, only three types of human rights abuse could prevent someone from entering or remaining in the United States. The types of prohibited conduct include: (1) genocide; (2) particularly severe violations of religious freedom; and (3) Nazi persecutions. Even these types of conduct are narrowly defined.

Hearing on H.R. 3058, "Anti-Atrocity Alien Deportation Act," before the Subcomm. on Immigration and Claims of the House Comm. on the Judiciary, 106th Cong., 2d Sess., Feb. 17, 2000 (Statement of James E. Costello, Associate Deputy Attorney General).

The Anti-Atrocity Alien Deportation Act closes these loopholes. The Immigration and Nationality Act, INA, currently provides that (i) participants in Nazi persecutions during the time period from March 23, 1933 to May 8, 1945, (ii) aliens who engaged in genocide, and (iii) aliens who committed particularly severe violations of religious freedom, are inadmissible to the United States and deportable. See 8 U.S.C. §1182(a)(2)(G) & (3)(E) and §1227(a)(4)(D). The Justice Department's specialized OSI unit is authorized under a 1979 Attorney General order to investigate only Nazi war criminals, not any other human rights abuser. The bill would expand the grounds for inadmissibility and deportation to (1) add new bars for aliens who have engaged in acts, outside the United States, of "torture" and "extrajudicial killing" and (2) remove limitations on the current bases for "genocide" and "particularly severe violations of religious freedom."

The definitions for the new bases of "torture" and "extrajudicial killing" are derived from the Torture Victim Protection Act, which implemented the United Nations' "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment." These definitions are therefore already sanctioned by the Congress. The bill incorporates the definition of "torture" codified in the federal criminal code, 18 U.S.C. § 2340, which prohibits:

an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering inci-

dental to lawful sanctions) upon another person within his custody or physical control. 18 U.S.C. § 2340(1).

"Severe mental pain or suffering" is further defined to mean:

prolonged mental harm caused by or resulting from: (A) the intentional infliction or threatened infliction of severe physical pain or suffering; (B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and (C) the threat of imminent death; or (D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality. 18 U.S.C. § 2340(2).

The Torture Victim Protection Act also included a definition for "extrajudicial killing." Specifically, this law establishes civil liability for wrongful death against any person "who, under actual or apparent authority, or color of law, of any foreign nation . . . subjects an individual to extrajudicial killing," which is defined to mean "a deliberated killing not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. Such term, however, does not include any such killing that, under international law, is lawfully carried out under the authority of a foreign nation."

The bill would not only add the new grounds for inadmissibility and deportation, it would expand two of the current grounds. First, the current bar to aliens who have "engaged in genocide" defines that term by reference to the "genocide" definition in the Convention on the Prevention and Punishment of the Crime of Genocide. 8 U.S.C. 1182(a)(3)(E)(ii). For clarity and consistency, the bill would substitute instead the definition in the federal criminal code, 18 U.S.C. § 1091(a), which was adopted pursuant to the U.S. obligations under the Genocide Convention. The bill would also broaden the reach of the provision to apply not only to those who "engaged in genocide," as in current law, but also to cover any alien who has ordered, incited, assisted or otherwise participated in genocide. This broader scope will ensure that the genocide provision addresses a more appropriate range of levels of complicity.

Second, the current bar to aliens who have committed "particularly severe violations of religious freedom," as defined in the International Religious Freedom Act of 1998, IFRA, limits its application to foreign government officials who engaged in such conduct within the last 24 months, and also bars from admission the individual's spouse and children, if any. The bill would delete reference to prohibited conduct occurring within a 24-month period since this limitation is not consistent with the strong stance of the United States to promote religious

freedom throughout the world. As Professor Aceves opines:

This provision is unduly restrictive . . . The 24-month time limitation for this prohibition is also unnecessary. A perpetrator of human rights atrocities should not be able to seek absolution by merely waiting two years after the commission of these acts. William J. Aceves, *supra*, 20 Mich. J. Int'l L., at 683.

In addition, the bill would remove the current bar to admission for the spouse or children. This is a serious sanction that should not apply to individuals because of familial relationships that are not within an individual's control. None of the other grounds relating to serious human rights abuse prevent the spouse or child of an abuser from entering or remaining lawfully in the United States. Moreover, the purpose of these amendments is to make those who have participated in atrocities accountable for their actions. That purpose is not served by holding the family members of such individuals accountable for the offensive conduct over which they had no control.

Changing the law to address the problem of human rights abusers seeking entry and remaining in the United States is only part of the solution. We also need effective enforcement. As one expert noted:

[S]trong institutional mechanisms must be established to implement this proposed legislation. At present, there does not appear to be any agency within the Department of Justice with the specific mandate of identifying, investigating and prosecuting modern day perpetrators of human rights atrocities. The importance of establishing a separate agency for this function can be seen in the experiences of the Office of Special Investigations. 20 Mich. J. Int'l L., at 689.

We need to update OSI's mission to ensure effective enforcement. Our country has long provided the template and moral leadership for dealing with Nazi war criminals. The Justice Department's specialized unit, OSI, which was created to hunt down, prosecute, and remove Nazi war criminals who had slipped into the United States among their victims under the Displaced Persons Act, is an example of effective enforcement. Since the OSI's inception in 1979, 61 Nazi persecutors have been stripped of U.S. citizenship, 49 such individuals have been removed from the United States, and more than 150 have been denied entry.

OSI was created almost 35 years after the end of World War II and it remains authorized only to track Nazi war criminals. Specifically, when Attorney General Civiletti established OSI within the Criminal Division of the Department of Justice, that office was directed to conduct all "investigative and litigation activities involving individuals, who prior to and during World War II, under the supervision of or in association with the Nazi government of Germany, its allies, and other affiliated [sic] governments, are alleged to have ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion,

national origin, or political opinion." (Attorney Gen. Order No. 851-79). The OSI's mission continues to be limited by that Attorney General Order.

Little is being done about the new generation of international human rights abusers and war criminals living among us, and these delays are costly. As any prosecutor, or, in my case, former prosecutor, knows instinctively, such delays make documentary and testimonial evidence more difficult to obtain. Stale cases are the hardest to make. Since I introduced this bill in the last Congress, there have been no further developments in the Kelbessa Negewo case, he still remains living in Atlanta. In addition, there has been no action taken on Carlos Eugenio Vides Casanova, the former head of the Salvadoran National Guard, a unit whose members kidnaped, raped, and murdered four American churchwomen during the El Salvadoran civil war. Vides Casanova remains in the United States.

We should not repeat the mistake of waiting decades before tracking down war criminals and human rights abusers who have settled in this country. War criminals should find no sanctuary in loopholes in our current immigration policies and enforcement. No war criminal should ever come to believe that he is going to find safe harbor in the United States.

The Anti-Atrocity Alien Deportation Act would amend the Immigration and Nationality Act, 8 U.S.C. § 1103, by directing the Attorney General to establish an Office of Special Investigations (OSI) within the Department of Justice with authorization to investigate, remove, denaturalize, prosecute or extradite any alien who has participated in Nazi persecution, torture, extrajudicial killing or genocide abroad. Not only would the bill provide statutory authorization for Office of Special Investigation, it would also expand its jurisdiction to deal with any alien who participated in torture, extrajudicial killing and genocide abroad, not just Nazis.

The success of OSI in hunting Nazi war criminals demonstrates the effectiveness of centralized resources and expertise in these cases. OSI has worked, and it is time to update its mission. The knowledge of the people, politics and pathologies of particular regimes engaged in genocide and human rights abuses is often necessary for effective prosecutions of these cases and may best be accomplished by the concentrated efforts of a single office, rather than in piecemeal litigation around the country or in offices that have more diverse missions.

The bill directs the Attorney General, in determining what action to take against a human rights abuser seeking entry into or found within the United States, to consider whether a prosecution should be brought under U.S. law or whether the alien should be deported to a country willing to undertake such a prosecution. As one human rights expert has noted:

The justifiable outrage felt by many when it is discovered that serious human rights abusers have found their way into the United States may lead well-meaning people to call for their immediate expulsion. Such individuals certainly should not be enjoying the good life America has to offer. But when we ask the question "where should they be?" the answer is clear: they should be in the dock. That is the essence of accountability, and it should be the central goal of any scheme to penalize human rights abusers.

Hearing on H.R. 5238, "Serious Human Rights Abusers Accountability Act," before the Subcomm. on Immigration and Claims of the House Comm. on the Judiciary, 106th Cong., 2d Sess., Sept. 28, 2000 (Statement of Elisa Massimino, Director, Washington Office, Lawyers Committee For Human Rights).

I appreciate that this part of the legislation has proven controversial within the Department of Justice, but others have concurred in my judgment that the OSI is an appropriate component of the Department to address the new responsibilities proposed in the bill. Professor Aceves, who has studied these matters extensively, has concluded that OSI's "methodology for pursuing Nazi war criminals can be applied with equal rigor to other perpetrators of human rights violations. As the number of Nazi war criminals inevitably declines, the OSI can begin to enforce U.S. immigration laws against perpetrators of genocide and other gross violations of human rights." 20 Mich. J. Int'l. 657.

Similarly, the Rutland Herald noted that the INS has never deported an immigrant on the basis of human rights abuses, by contrast to OSI's active deportations of ex-Nazis, while maintaining a list of 60,000 suspected war criminals with the aim of barring them from entry. Based on this record, the Rutland Herald concluded that the legislation correctly looks to OSI to carry out the additional responsibilities called for in the bill, noting that:

It resolves a turf war between the INS and the OSI in favor of the OSI, which is as it should be. The victims of human rights abuses are often victimized again when, seeking refuge in the United States, they are confronted by the draconian policies of the INS. It's a better idea to give the job of finding war criminals to the office that has shown it knows how to do the job.

Unquestionably, the need to bring Nazi war criminals to justice remains a matter of great importance. Funds would not be diverted from the OSI's current mission. Additional resources are authorized in the bill for OSI's expanded duties.

Finally, the bill directs the Attorney General to report to the Judiciary Committees of the Senate and the House on implementation of the new requirements in the bill, including procedures for referral of matters to OSI, any revisions made to INS forms to reflect amendments made by the bill, and the procedures developed, with adequate due process protection, to obtain sufficient evidence and determine whether an alien is deemed inadmissible under the bill.

We must honor and respect the unique experiences of those who were victims in the darkest moment in world history. We may help honor the memories of the victims of the Holocaust by pursuing all human rights abusers and war criminals who enter our country. By so doing, the United States can provide moral leadership and show that we will not tolerate perpetrators of genocide, extrajudicial killing and torture, least of all here.

I ask unanimous consent that the text of the bill and a sectional analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Atrocity Alien Deportation Act of 2001".

SEC. 2. INADMISSIBILITY AND REMOVABILITY OF ALIENS WHO HAVE COMMITTED ACTS OF TORTURE OR EXTRAJUDICIAL KILLINGS ABROAD.

(a) INADMISSIBILITY.—Section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended—

(1) in clause (ii), by striking "has engaged in conduct that is defined as genocide for purposes of the International Convention on the Prevention and Punishment of Genocide is inadmissible" and inserting "ordered, incited, assisted, or otherwise participated in conduct outside the United States that would, if committed in the United States or by a United States national, be genocide, as defined in section 1091(a) of title 18, United States Code, is inadmissible";

(2) by adding at the end the following:

"(iii) COMMISSION OF ACTS OF TORTURE OR EXTRAJUDICIAL KILLINGS.—Any alien who, outside the United States, has committed, ordered, incited, assisted, or otherwise participated in the commission of—

"(I) any act of torture, as defined in section 2340 of title 18, United States Code; or

"(II) under color of law of any foreign nation, any extrajudicial killing, as defined in section 3(a) of Torture Victim Protection Act of 1991;

is inadmissible."; and

(3) in the subparagraph heading, by striking "PARTICIPANTS IN NAZI PERSECUTION OR GENOCIDE" and inserting "PARTICIPANTS IN NAZI PERSECUTION, GENOCIDE, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING".

(b) REMOVABILITY.—Section 237(a)(4)(D) of such Act (8 U.S.C. 1227(a)(4)(D)) is amended—

(1) by striking "clause (i) or (ii)" and inserting "clause (i), (ii), or (iii)"; and

(2) in the subparagraph heading, by striking "ASSISTED IN NAZI PERSECUTION OR ENGAGED IN GENOCIDE" and inserting "ASSISTED IN NAZI PERSECUTION, PARTICIPATED IN GENOCIDE, OR COMMITTED ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offenses committed before, on, or after the date of the enactment of this Act.

SEC. 3. INADMISSIBILITY AND REMOVABILITY OF FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

(a) Section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)) is amended to read as follows:

"(G) FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Any alien

who, while serving as a foreign government official, was responsible for or directly carried out, at any time, particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998, are inadmissible."

(b) Section 237(a)(4) of such Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

"(E) PARTICIPATED IN THE COMMISSION OF SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Any alien described in section 212(a)(2)(G) is deportable."

SEC. 4. BAR TO GOOD MORAL CHARACTER FOR ALIENS WHO HAVE COMMITTED ACTS OF TORTURE, EXTRAJUDICIAL KILLINGS, OR SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by striking the period at the end of paragraph (8) and inserting "; and"; and

(2) by adding at the end the following:

"(9) one who at any time has engaged in conduct described in section 212(a)(3)(E) (relating to assistance in Nazi persecution, participation in genocide, or commission of acts of torture or extrajudicial killings) or 212(a)(2)(G) (relating to severe violations of religious freedom)."

SEC. 5. ESTABLISHMENT OF THE OFFICE OF SPECIAL INVESTIGATIONS.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

"(g) The Attorney General shall establish within the Criminal Division of the Department of Justice an Office of Special Investigations with the authority of investigating, and, where appropriate, taking legal action to remove, denaturalize, prosecute, or extradite any alien found to be in violation of clause (i), (ii), or (iii) of section 212(a)(3)(E). In determining such appropriate legal action, consideration shall be given to—

"(1) the availability of prosecution under the laws of the United States for any conduct that may form the basis for removal and denaturalization; or

"(2) removal of the alien to a foreign jurisdiction that is prepared to undertake a prosecution for such conduct."

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the additional duties established under section 103(g) of the Immigration and Nationality Act (as added by this Act) in order to ensure that the Office of Special Investigations fulfills its continuing obligations regarding Nazi war criminals.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 6. REPORT ON IMPLEMENTATION OF THE ACT.

Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Commissioner of Immigration and Naturalization, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on implementation of this Act that includes a description of—

(1) the procedures used to refer matters to the Office of Special Investigations in a manner consistent with the amendments made by this Act;

(2) the revisions, if any, made to immigration forms to reflect changes in the Immigration and Nationality Act made by the amendments contained in this Act; and

(3) the procedures developed, with adequate due process protection, to obtain sufficient

evidence to determine whether an alien may be inadmissible under the terms of the amendments made by this Act.

SECTIONAL ANALYSIS OF LEAHY ANTI-ATROCITY ALIEN DEPORTATION ACT SUMMARY

This bill would make the following four changes in our country's enforcement capability against aliens who have committed atrocities abroad and then try to enter or remain in the United States:

Amend the Immigration and Nationality Act (INA) to expand the grounds for inadmissibility and deportation to cover aliens who have engaged in acts of torture, as defined in 18 U.S.C. §2340, and extrajudicial killing, as defined in the Torture Victim Protection Act, abroad, as well as expand the scope of the current prohibitions on aliens who have engaged in genocide and particularly severe violations of religious freedom;

Amend the INA to make clear that aliens who have committed torture, extrajudicial killing or particularly severe violations of religious freedom abroad do not have "good moral character" and cannot qualify to become U.S. citizens or for other immigration benefits;

Direct the Attorney General to establish the Office of Special Investigation (OSI) within the Criminal Division and expand the OSI's authority to investigate, remove, denaturalize, prosecute, or extradite any alien who participated in torture, genocide and extrajudicial killing abroad—not just Nazi war criminals; and

Direct the Attorney General, in consultation with the INS Commissioner, to report to the Judiciary Committees of the Senate and House of Representatives on implementation of procedures to refer matters to OSI, revise INS forms, and procedures to obtain adequate evidence to develop "watch lists" of aliens deemed inadmissible under the bill.

SEC. 1. SHORT TITLE

The bill may be cited as the "Anti-Atrocity Alien Deportation Act of 2001."

SEC. 2. INADMISSIBILITY AND REMOVABILITY OF ALIENS WHO HAVE COMMITTED ACTS OF TORTURE OR EXTRAJUDICIAL KILLING ABROAD

Currently, the Immigration and Nationality Act (INA) provides that (i) participants in Nazi persecutions during the time period from March 23, 1933 to May 8, 1945, and (ii) aliens who engaged in genocide, are inadmissible to the United States. See 8 U.S.C. §1182(a)(3)(E)(i)&(ii). Current law also provides that aliens who have participated in Nazi persecutions or engaged in genocide are deportable. See §1227(a)(4)(D). The bill would amend these sections of the Immigration and Nationality Act by expanding the grounds for inadmissibility and deportation to cover aliens who have committed, ordered, incited, assisted, or otherwise participated in the commission of acts of torture or extrajudicial killing abroad and clarify and expand the scope of the genocide bar.

Subsection (a) would first amend the definition of "genocide" in clause (ii) of section 212(a)(3) of the INA, 8 U.S.C. 1182(a)(3)(E)(ii). Currently, the ground of inadmissibility relating to genocide refers to the definition in the Convention on the Prevention and Punishment of the Crime of Genocide. Article III of that Convention punishes genocide, the conspiracy to commit genocide, direct and public incitement to commit genocide, attempts to commit genocide, and complicity in genocide. The bill would modify the definition to refer instead to the "genocide" definition in section 1091(a) of title 18, United States Code, which was adopted to implement United States obligations under the Convention and also prohibits attempts and conspiracies to commit genocide.

Specifically, section 1091(a) defines genocide as "whoever, whether in time of peace or in time of war, . . . with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial or religious group as such: (1) kills members of that group; (2) causes serious bodily injury to members of that group; (3) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques; (4) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part; (5) imposes measures intended to prevent births within the group; or (6) transfers by force children of the group to another group." This definition includes genocide by public or private individuals in times of peace or war. While the federal criminal statute is limited to those offenses committed within the United States or offenders who are U.S. nationals, *see* 18 U.S.C. 1091(d), the grounds for inadmissibility in the bill would apply to such offenses committed outside the United States that would otherwise be a crime if committed within the United States or by a U.S. national.

In addition, the bill would broaden the reach of the inadmissibility bar to apply not only to those who "engaged in genocide," as in current law, but also to cover any alien who has ordered, incited, assisted or otherwise participated in genocide abroad. This broader scope will ensure that the genocide provision addresses a more appropriate range of levels of complicity.

Second, subsection (a) would add a new clause to 8 U.S.C. §1182(a)(3)(E) that would trigger operation of the inadmissibility ground if an alien has "committed, ordered, incited, assisted, or otherwise participated in" acts of torture, as defined in section 2430 of title 18, United States Code, or extrajudicial killings, as defined in section 3(a) of the Torture Victim Protection Act. The statutory language—"committed, ordered, incited, assisted, or otherwise participated in"—is intended to reach the behavior of persons directly or personally associated with the covered acts. Attempts and conspiracies to commit these crimes are encompassed in the "otherwise participated in" language. This language addresses an appropriate range of levels of complicity for which aliens should be held accountable, and has been the subject of extensive judicial interpretation and construction. *See Fedorenko v. United States*, 449 U.S. 490, 514 (1981); *Kalejs v. INS*, 10 F. 3d 441, 444 (7th Cir. 1993); *U.S. v. Schmidt*, 923 F. 2d 1253, 1257-59 (7th Cir. 1991); *Kulle v. INS*, 825 F. 2d 1188, 1192 (7th Cir. 1987).

The definitions of "torture" and "extrajudicial killing" are contained in the Torture Victim Protection Act, which served as the implementing legislation when the United States joined the United Nations' "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment." This Convention entered into force with respect to the United States on November 20, 1992 and imposes an affirmative duty on the United States to prosecute torturers within its jurisdiction. The Torture Victim Protection Act provides both criminal liability and civil liability for persons who, acting outside the United States and under actual or apparent authority, or color of law, of any foreign nation, commit torture or extrajudicial killing.

The criminal provision passed as part of the Torture Victim Protection Act defines "torture" to mean "an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or

physical control." 18 U.S.C. §2340(1). "Severe mental pain or suffering" is further defined to mean the "prolonged mental harm caused by or resulting from (A) the international infliction or threatened infliction of severe physical pain or suffering; (B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and (C) the threat of imminent death; or (D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality." 18 U.S.C. §2340(2).

The bill also incorporates the definition of "extrajudicial killing" from section 3(a) of the Torture Victim Protection Act. This law establishes civil liability for wrongful death against any person "who, under actual or apparent authority, or color of law, of any foreign nation . . . subjects an individual to extrajudicial killing," which is defined to mean "a deliberated killing not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. Such term, however, does not include any such killing that, under international law, is lawfully carried out under the authority of a foreign nation."

Both definitions of "torture" and "extrajudicial killing" require that the alien be acting under color of law. A criminal conviction, criminal charge or a confession are not required for an alien to be inadmissible or removable under the new grounds added in this subsection of the bill.

The final paragraph in subsection (a) would modify the subparagraph heading to clarify the expansion of the grounds for inadmissibility from "participation in Nazi persecution or genocide" to cover "torture or extrajudicial killing."

Subsection (b) would amend section 237(a)(4)(D) of the INA, 8 U.S.C. §1227(a)(4)(D), which enumerates grounds for deporting aliens who have been admitted into or are present in the United States. The same conduct that would constitute a basis of inadmissibility under subsection (a) is a ground for deportability under this subsection of the bill. Under current law, assisting in Nazi persecution and engaging in genocide are already grounds for deportation. The bill would provide that aliens who have committed any act of torture or extrajudicial killing would also be subject to deportation. In any deportation proceeding, the burden would remain on the government to prove by clear and convincing evidence that the alien's conduct brings the alien within a particular ground of deportation.

Subsection (c) regarding the "effective date" clearly states that these provisions apply to acts committed before, on, or after the date this legislation is enacted. These provisions apply to all cases after enactment, even where the acts in question occurred or where adjudication procedures within the Immigration and Naturalization Service (INS) or the Executive Office of Immigration Review were initiated prior to the time of enactment.

SEC. 3. INADMISSIBILITY AND REMOVABILITY OF FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM

This section of the bill would amend section 212(a)(2)(G) of the INA, 8 U.S.C. §1182(a)(2)(G), which was added as part of the International Religious Freedom Act of 1998 (IFRA), to expand the grounds for inadmis-

sibility and removability of aliens who commit particularly severe violations of religious freedom. Current law bars the admission of an individual who, while serving as a foreign government official, was responsible for or directly carried out particularly severe violations of religious freedom within the last 24 months. 8 U.S.C. §1182(c)(2)(G). The existing provision also bars from admission the individual's spouse and children, if any. "Particularly severe violations of religious freedom" is defined in section 3 of IFRA to mean "systematic, ongoing, egregious violation of religious freedom, including violations such as (a) torture or cruel, inhuman, or degrading treatment or punishment; (B) prolonged detention without charges; (C) causing the disappearance of persons or clandestine detention of those persons; or (D) other flagrant denial of the right to life, liberty, or the security of persons. While IFRA contains numerous provisions to promote religious freedom and to prevent violations of religious freedom throughout the world, including a wide range of diplomatic sanctions and other formal expressions of disapproval, section 212(a)(2)(G) is the only provision which specifically targets individual abusers.

Subsection (a) would delete the 24-month restriction in section 212(a)(2)(G) since it limits the accountability, for purposes of admission, to a two-year period. This limitation is not consistent with the strong stance of the United States to promote religious freedom throughout the world. Individuals who have committed particularly severe violations of religious freedom should be held accountable for their actions and should be admissible to the United States regardless of when the conduct occurred.

In addition, this subsection would amend the law to remove the current bar to admission for the spouse or children of a foreign government official who has been involved in particularly severe violations of religious freedom. The bar of inadmissibility is a serious sanction that should not apply to individuals because of familiar relationships that are not within an individual's control. None of the other grounds relating to serious human rights abuse prevent the spouse or child of an abuser from entering or remaining lawfully in the United States. Moreover, the purpose of these amendments is to make those who have participated in atrocities accountable for their actions. That purpose is not served by holding the family members of such individuals accountable for the offensive conduct over which they had no control.

Subsection (b) would amend section 237(a)(4) of the INA, 8 U.S.C. §1227(A)(4), which enumerates grounds for deporting aliens who have been admitted into or are present in the United States, to add a new clause (E), which provides for the deportation of aliens described in subsection (a) of the bill.

The bill does not change the effective date for this provision set forth in the original IFRA, which applies the operation of the amendment to aliens "seeking to enter the United States on or after the date of the enactment of this Act."

SEC. 4. BAR TO GOOD MORAL CHARACTER FOR ALIENS WHO HAVE COMMITTED ACTS OF TORTURE, EXTRAJUDICIAL KILLINGS, OR SEVERE VIOLATIONS OF RELIGIOUS FREEDOM

This section of the bill would amend section 101(f) of the INA, 8 U.S.C. §1101(f), which provides the current definition of "good moral character," to make clear that aliens who have committed torture, extrajudicial killing—severe violation of religious freedom abroad do not qualify. Good moral character

is a prerequisite for certain forms of immigration relief, including naturalization, cancellation of removal for nonpermanent residents, and voluntary departure at the conclusion of removal proceedings. Aliens who have committed torture or extrajudicial killing, or severe violations of religious freedom abroad cannot establish good moral character. Accordingly, this amendment prevents aliens covered by the amendments made in sections 2 and 3 of the bill from becoming United States citizens or benefitting from cancellation of removal or voluntary departure. Absent such an amendment there is no statutory bar to naturalization for aliens covered by the proposed new grounds for inadmissibility and deportation.

SEC. 5. ESTABLISHMENT OF THE OFFICE OF SPECIAL INVESTIGATIONS

Attorney General Civiletti established OSI in 1979 within the Criminal Division of the Department of Justice, consolidating within it all 'investigative and litigation activities involving individuals, who prior to and during World War II, under the supervision of or in association with the Nazi government of Germany, its allies, and other affiliated [sic] governments, are alleged to have ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion.' (Att'y Gen. Order No. 851-79). The OSI's mission continues to be limited by that Attorney General Order.

This section would amend the Immigration and Nationality Act, 8 U.S.C. §1103, by directing the Attorney General to establish an Office of Special Investigations within the Department of Justice with authorization to investigate, remove, denaturalize, prosecute or extradite any alien who has participated in Nazi persecution, genocide, torture or extrajudicial killing abroad. This would expand OSI's current authorized mission. In order to fulfill the United States' obligation under the "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" to hold accountable torturers found in this country, the bill expressly directs the Department of Justice to consider the availability of prosecution under United States laws for any conduct that forms the basis for removal and denaturalization. In addition, the Department is directed to consider deportation to foreign jurisdictions that are prepared to undertake such a prosecution. Statutory and regulatory provisions to implement Article 3 of that Convention Against Torture, which prohibits the removal of any person to a country where he or she would be tortured, may also be part of this consideration. Additional funds are authorized for these expanded duties to ensure that OSI fulfills its continuing obligations regarding Nazi war criminals.

SEC. 6. REPORT OF IMPLEMENTATION OF THE ACT

This section of the bill would direct the Attorney General, in consultations with the INS Commissioner to report within six months on implementation of the Act, including procedures for referral of matters to OSI, any revisions made to INS forms to reflect amendments made by the bill, and the procedures developed, with adequate due process protection, to obtain sufficient evidence and determine whether an alien is deemed inadmissible under the bill.

By Mr. MCCONNELL (for himself and Mr. LIEBERMAN):

S. 865. A bill to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers; to the Committee on the Judiciary.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Liability Reform Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS LAWSUIT ABUSE PROTECTION

Sec. 101. Findings.

Sec. 102. Definitions.

Sec. 103. Limitation on punitive damages for small businesses.

Sec. 104. Limitation on joint and several liability for noneconomic loss for small businesses.

Sec. 105. Exceptions to limitations on liability.

Sec. 106. Preemption and election of State nonapplicability.

TITLE II—PRODUCT SELLER FAIR TREATMENT

Sec. 201. Findings; purposes.

Sec. 202. Definitions.

Sec. 203. Applicability; preemption.

Sec. 204. Liability rules applicable to product sellers, renters, and lessors.

Sec. 205. Federal cause of action precluded.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

TITLE I—SMALL BUSINESS LAWSUIT ABUSE PROTECTION

SEC. 101. FINDINGS.

Congress finds that—

(1) the United States civil justice system is inefficient, unpredictable, unfair, costly, and impedes competitiveness in the marketplace for goods, services, business, and employees;

(2) the defects in the United States civil justice system have a direct and undesirable effect on interstate commerce by decreasing the availability of goods and services in commerce;

(3) there is a need to restore rationality, certainty, and fairness to the legal system;

(4) the spiralling costs of litigation and the magnitude and unpredictability of punitive damage awards and noneconomic damage awards have continued unabated for at least the past 30 years;

(5) the Supreme Court of the United States has recognized that a punitive damage award can be unconstitutional if the award is grossly excessive in relation to the legitimate interest of the government in the punishment and deterrence of unlawful conduct;

(6) just as punitive damage awards can be grossly excessive, so can it be grossly excessive in some circumstances for a party to be held responsible under the doctrine of joint and several liability for damages that party did not cause;

(7) as a result of joint and several liability, entities including small businesses are often brought into litigation despite the fact that their conduct may have little or nothing to do with the accident or transaction giving rise to the lawsuit, and may therefore face increased and unjust costs due to the possibility or result of unfair and disproportionate damage awards;

(8) the costs imposed by the civil justice system on small businesses are particularly acute, since small businesses often lack the

resources to bear those costs and to challenge unwarranted lawsuits;

(9) due to high liability costs and unwarranted litigation costs, small businesses face higher costs in purchasing insurance through interstate insurance markets to cover their activities;

(10) liability reform for small businesses will promote the free flow of goods and services, lessen burdens on interstate commerce, and decrease litigiousness; and

(11) legislation to address these concerns is an appropriate exercise of the powers of Congress under clauses 3, 9, and 18 of section 8 of article I of the Constitution of the United States, and the 14th amendment to the Constitution of the United States.

SEC. 102. DEFINITIONS.

In this title:

(1) CRIME OF VIOLENCE.—The term "crime of violence" has the same meaning as in section 16 of title 18, United States Code.

(2) DRUG.—The term "drug" means any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) that was not legally prescribed for use by the defendant or that was taken by the defendant other than in accordance with the terms of a lawfully issued prescription.

(3) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(4) HARM.—The term "harm" means any physical injury, illness, disease, or death or damage to property.

(5) HATE CRIME.—The term "hate crime" means a crime described under section 1(b) of the Hate Crime Statistics Act (28 U.S.C. 534 note).

(6) INTERNATIONAL TERRORISM.—The term "international terrorism" has the same meaning as in section 2331 of title 18, United States Code.

(7) NONECONOMIC LOSS.—The term "noneconomic loss" means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, or any other nonpecuniary loss of any kind or nature.

(8) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(9) PUNITIVE DAMAGES.—The term "punitive damages" means damages awarded against any person or entity to punish or deter such person, entity, or others from engaging in similar behavior in the future. Such term does not include any civil penalties, fines, or treble damages that are assessed or enforced by an agency of State or Federal government pursuant to a State or Federal statute.

(10) SMALL BUSINESS.—

(A) IN GENERAL.—The term "small business" means any unincorporated business, or any partnership, corporation, association, unit of local government, or organization that has fewer than 25 full-time employees as determined on the date the civil action involving the small business is filed.

(B) CALCULATION OF NUMBER OF EMPLOYEES.—For purposes of subparagraph (A), the number of employees of a subsidiary of a wholly owned corporation includes the employees of—

(i) a parent corporation; and
(ii) any other subsidiary corporation of that parent corporation.

(11) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, commonwealth, territory, or possession.

SEC. 103. LIMITATION ON PUNITIVE DAMAGES FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, punitive damages may, to the extent permitted by applicable Federal or State law, be awarded against the small business only if the claimant establishes by clear and convincing evidence that conduct carried out by that defendant with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action.

(b) LIMITATION ON AMOUNT.—In any civil action against a small business, punitive damages awarded against a small business shall not exceed the lesser of—

(1) three times the total amount awarded to the claimant for economic and noneconomic losses; or

(2) \$250,000,

except that the court may make this subsection inapplicable if the court finds that the plaintiff established by clear and convincing evidence that the defendant acted with specific intent to cause the type of harm for which the action was brought.

(c) APPLICATION BY THE COURT.—The limitation prescribed by this section shall be applied by the court and shall not be disclosed to the jury.

SEC. 104. LIMITATION ON JOINT AND SEVERAL LIABILITY FOR NONECONOMIC LOSS FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, the liability of each defendant that is a small business, or the agent of a small business, for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—In any civil action described in subsection (a)—

(A) each defendant described in that subsection shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable; and

(B) the court shall render a separate judgment against each defendant described in that subsection in an amount determined under subparagraph (A).

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the harm to the claimant, regardless of whether or not the person is a party to the action.

SEC. 105. EXCEPTIONS TO LIMITATIONS ON LIABILITY.

The limitations on liability under sections 103 and 104 do not apply—

(1) to any defendant whose misconduct—

(A) constitutes—

(i) a crime of violence;

(ii) an act of international terrorism; or

(iii) a hate crime;

(B) results in liability for damages relating to the injury to, destruction of, loss of, or loss of use of, natural resources described in—

(i) section 1002(b)(2)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)(A)); or

(ii) section 107(a)(4)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(4)(C));

(C) involves—

(i) a sexual offense, as defined by applicable State law; or

(ii) a violation of a Federal or State civil rights law; or

(D) occurred at the time the defendant was under the influence (as determined under applicable State law) of intoxicating alcohol or a drug, and the fact that the defendant was under the influence was the cause of any harm alleged by the plaintiff in the subject action; or

(2) to any cause of action which is brought under the provisions of title 31, United States Code, relating to false claims (31 U.S.C. 3729 through 3733) or to any other cause of action brought by the United States relating to fraud or false statements.

SEC. 106. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—Subject to subsection (b), this title preempts the laws of any State to the extent that State laws are inconsistent with this title.

(b) ELECTION OF STATE REGARDING NON-APPLICABILITY.—This title does not apply to any action in a State court against a small business in which all parties are citizens of the State, if the State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title does not apply as of a date certain to such actions in the State; and

(3) containing no other provision.

TITLE II—PRODUCT SELLER FAIR TREATMENT

SEC. 201. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) although damage awards in product liability actions may encourage the production of safer products, they may also have a direct effect on interstate commerce and consumers of the United States by increasing the cost of, and decreasing the availability of, products;

(2) some of the rules of law governing product liability actions are inconsistent within and among the States, resulting in differences in State laws that may be inequitable with respect to plaintiffs and defendants and may impose burdens on interstate commerce;

(3) product liability awards may jeopardize the financial well-being of individuals and industries, particularly the small businesses of the United States;

(4) because the product liability laws of a State may have adverse effects on consumers and businesses in many other States, it is appropriate for the Federal Government to enact national, uniform product liability laws that preempt State laws; and

(5) under clause 3 of section 8 of article I of the United States Constitution, it is the constitutional role of the Federal Government to remove barriers to interstate commerce.

(b) PURPOSES.—The purposes of this title, based on the powers of the United States under clause 3 of section 8 of article I of the United States Constitution, are to promote the free flow of goods and services and lessen the burdens on interstate commerce, by—

(1) establishing certain uniform legal principles of product liability that provide a fair balance among the interests of all parties in the chain of production, distribution, and use of products; and

(2) reducing the unacceptable costs and delays in product liability actions caused by excessive litigation that harms both plaintiffs and defendants.

SEC. 202. DEFINITIONS.

In this title:

(1) ALCOHOL PRODUCT.—The term “alcohol product” includes any product that contains not less than ½ of 1 percent of alcohol by volume and is intended for human consumption.

(2) CLAIMANT.—The term “claimant” means any person who brings an action covered by this title and any person on whose behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant’s decedent. If such an action is brought through or on behalf of a minor or incompetent, the term includes the claimant’s legal guardian.

(3) COMMERCIAL LOSS.—The term “commercial loss” means—

(A) any loss or damage solely to a product itself;

(B) loss relating to a dispute over the value of a product; or

(C) consequential economic loss, the recovery of which is governed by applicable State commercial or contract laws that are similar to the Uniform Commercial Code.

(4) COMPENSATORY DAMAGES.—The term “compensatory damages” means damages awarded for economic and noneconomic losses.

(5) DRAM-SHOP.—The term “dram-shop” means a drinking establishment where alcoholic beverages are sold to be consumed on the premises.

(6) ECONOMIC LOSS.—The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for that loss is allowed under applicable State law.

(7) HARM.—The term “harm” means any physical injury, illness, disease, or death or damage to property caused by a product. The term does not include commercial loss.

(8) MANUFACTURER.—The term “manufacturer” means—

(A) any person who—

(i) is engaged in a business to produce, create, make, or construct any product (or component part of a product); and

(ii) (I) designs or formulates the product (or component part of the product); or

(II) has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) that are created or affected when, before placing the product in the stream of commerce, the product seller—

(i) produces, creates, makes, constructs and designs, or formulates an aspect of the product (or component part of the product) made by another person; or

(ii) has engaged another person to design or formulate an aspect of the product (or component part of the product) made by another person; or

(C) any product seller not described in subparagraph (B) that holds itself out as a manufacturer to the user of the product.

(9) NONECONOMIC LOSS.—The term “noneconomic loss” means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, or any other nonpecuniary loss of any kind or nature.

(10) PERSON.—The term “person” means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(11) PRODUCT.—

(A) IN GENERAL.—The term “product” means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state that—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) EXCLUSION.—The term “product” does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; or

(ii) electricity, water delivered by a utility, natural gas, or steam.

(12) PRODUCT LIABILITY ACTION.—

(A) GENERAL RULE.—Except as provided in subparagraph (B), the term “product liability action” means a civil action brought on any theory for a claim for any physical injury, illness, disease, death, or damage to property that is caused by a product.

(B) The following claims are not included in the term “product liability action”:

(i) NEGLIGENCE ENTRUSTMENT.—A claim for negligent entrustment.

(ii) NEGLIGENCE PER SE.—A claim brought under a theory of negligence per se.

(iii) DRAM-SHOP.—A claim brought under a theory of dram-shop or third-party liability arising out of the sale or providing of an alcoholic product to an intoxicated person or minor.

(13) PRODUCT SELLER.—

(A) IN GENERAL.—The term “product seller” means a person who in the course of a business conducted for that purpose—

(i) sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce; or

(ii) installs, repairs, refurbishes, reconditions, or maintains the harm-causing aspect of the product.

(B) EXCLUSION.—The term “product seller” does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; or

(II) leases a product under a lease arrangement in which the lessor does not initially select the leased product and does not during the lease term ordinarily control the daily operations and maintenance of the product.

(14) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, commonwealth, territory, or possession.

SEC. 203. APPLICABILITY; PREEMPTION.

(a) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), this title governs any product liability action brought in any Federal or State court.

(2) ACTIONS FOR COMMERCIAL LOSS.—A civil action brought for commercial loss shall be governed only by applicable State commercial or contract laws that are similar to the Uniform Commercial Code.

(b) RELATIONSHIP TO STATE LAW.—This title supersedes a State law only to the extent that the State law applies to an issue covered by this title. Any issue that is not governed by this title, including any standard of liability applicable to a manufacturer, shall be governed by any applicable Federal or State law.

(c) EFFECT ON OTHER LAW.—Nothing in this title shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any State law;

(2) supersede or alter any Federal law;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede or modify any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief, for remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8))).

SEC. 204. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS, RENTERS, AND LESSORS.

(a) GENERAL RULE.—

(1) IN GENERAL.—In any product liability action covered under this title, a product seller other than a manufacturer shall be liable to a claimant only if the claimant establishes that—

(A)(i) the product that allegedly caused the harm that is the subject of the complaint was sold, rented, or leased by the product seller;

(ii) the product seller failed to exercise reasonable care with respect to the product; and

(iii) the failure to exercise reasonable care was a proximate cause of the harm to the claimant;

(B)(i) the product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by a manufacturer as to the same product;

(ii) the product failed to conform to the warranty; and

(iii) the failure of the product to conform to the warranty caused the harm to the claimant; or

(C)(i) the product seller engaged in intentional wrongdoing, as determined under applicable State law; and

(ii) the intentional wrongdoing caused the harm that is the subject of the complaint.

(2) REASONABLE OPPORTUNITY FOR INSPECTION.—For purposes of paragraph (1)(A)(ii), a product seller shall not be considered to have failed to exercise reasonable care with respect to a product based upon an alleged failure to inspect the product, if—

(A) the failure occurred because there was no reasonable opportunity to inspect the product; or

(B) the inspection, in the exercise of reasonable care, would not have revealed the aspect of the product that allegedly caused the claimant's harm.

(b) SPECIAL RULE.—

(1) IN GENERAL.—A product seller shall be deemed to be liable as a manufacturer of a product for harm caused by the product, if—

(A) the manufacturer is not subject to service of process under the laws of any State in which the action may be brought; or

(B) the court determines that the claimant is or would be unable to enforce a judgment against the manufacturer.

(2) STATUTE OF LIMITATIONS.—For purposes of this subsection only, the statute of limitations applicable to claims asserting liability of a product seller as a manufacturer shall be tolled from the date of the filing of a complaint against the manufacturer to the date that judgment is entered against the manufacturer.

(c) RENTED OR LEASED PRODUCTS.—

(1) DEFINITION.—For purposes of paragraph (2), and for determining the applicability of this title to any person subject to that paragraph, the term “product liability action” means a civil action brought on any theory for harm caused by a product or product use.

(2) LIABILITY.—Notwithstanding any other provision of law, any person engaged in the business of renting or leasing a product (other than a person excluded from the definition of product seller under section 202(13)(B)) shall be subject to liability in a product liability action under subsection (a), but any person engaged in the business of renting or leasing a product shall not be liable to a claimant for the tortious act of another solely by reason of ownership of that product.

SEC. 205. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction under this title based on section 1331 or 1337 of title 28, United States Code.

TITLE III—EFFECTIVE DATE**SEC. 301. EFFECTIVE DATE.**

This Act shall take effect with respect to any civil action commenced after the date of the enactment of this Act without regard to whether the harm that is the subject of the action occurred before such date.

By Mr. REID (for himself and Mr. WARNER)

S. 866. A bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise today along with my good friend and colleague Senator WARNER because I am deeply concerned with the underage drinking occurring in America. Alcohol is currently the number 1 drug problem for America's youth. Alcohol kills 6.5 times more young people in America than all other illicit drugs combined, Pacific Institute for Research and Evaluation.

Drinking under the age of 21 is illegal in all 50 states, yet 10.4 million kids in America consume alcohol illegally, starting on average at just 13 years of age, Health People 2010 Study, Health and Human Services. In my own state of Nevada, there has been a 3-percent increase since 1997 in the number of teens who report drinking. Nevada's youth, ages 12-17 are ranked third nationally in reported illicit drug or alcohol dependence and 5th in binge alcohol use, National Household Survey, 1999.

Alcohol is a major contributing factor in approximately half of all youth homicides, suicides, motor vehicle crashes, death and disability in Nevada, Nevada Youth Risk Behavior Survey, 1999. Alcohol is clearly the drug of choice for teenagers throughout America.

Specifically in Nevada, 73 percent of 10th graders have tried alcohol, while 33 percent drink monthly. The numbers are even greater for high school seniors, 75 percent and 41 percent respectively, Nevada Safe and Drug Free Schools Survey.

The purpose of our bill the "National Media Campaign to Prevent Underage Drinking Act of 2001" is to establish a national campaign to reduce and prevent underage drinking in America and will be conducted by the Department of Health and Human Services.

This bipartisan legislation will educate America's youth and their parents about the dangers and consequences of underage drinking. It will use television, print, radio and Internet advertisements to highlight the facts and the negative consequence of underage drinking.

Our bill addresses a need for a comprehensive public education campaign aimed at underage drinking. MADD reports that underage drinking contributes to increased motor vehicle crashes, crime, violence, unprotected sex, teenage pregnancy, sexually transmitted diseases, depression, suicide, alcohol dependence, and other drug use.

Young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking after age 21, National Institutes of Health. The more America's youth drink, the more likely they are to drink and drive, American Academy of Pediatrics. Over 16,000 Americans were killed in alcohol-related motor vehicle crashes in 1999 and nearly one million were injured. In 1999, over 2,000 young people between the ages of 15–20 lost their lives to alcohol-related crashes.

Senator WARNER and I have chosen to introduce this legislation today because Prom season, graduation parties, and summer vacations are all rapidly approaching. And that means a lot of parents are focused on the threat of teen drinking, and drunk driving. It is however, important that we do not focus on underage drinking only during these types of events. This is something we should address every day of the year, year after year. That is what this legislation does.

Additionally, as you all know Mother's Day is this Sunday. I want to ask that all of you young Americans consider giving your mother a very special gift this year. Promise her that you won't drink and drive—at your prom, or at your graduation.

This independent campaign should be established and should be conducted by the Secretary of the Department of Health and Human Services. Modeled after the Anti-Drug Campaign, the Na-

tional Media Campaign to Prevent Underage Drinking will be separately funded and conducted by the Office of Public Health and Science, in conjunction with the Surgeon General, and will be based on scientific research.

I ask unanimous consent that the text of the National Media Campaign to Prevent Underage Drinking Act of 2001 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Media Campaign to Prevent Underage Drinking Act of 2001".

SEC. 2. DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF PUBLIC HEALTH AND SCIENCE; PROGRAM FOR NATIONAL MEDIA CAMPAIGN TO PREVENT UNDERAGE DRINKING.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end the following:

"SEC. 1711. NATIONAL MEDIA CAMPAIGN TO PREVENT UNDERAGE DRINKING.

"(a) REQUIREMENT TO CONDUCT A NATIONAL MEDIA CAMPAIGN.—

"(1) IN GENERAL.—The Secretary shall develop, implement, and conduct a national media campaign in accordance with this section for the purpose of reducing and preventing underage drinking in the United States.

"(2) ADMINISTRATION.—The Secretary shall carry out this section through the Office of Public Health and Science and in consultation with the Surgeon General of the Public Health Service.

"(3) BASED ON SCIENCE.—The Secretary shall develop, implement, and conduct the national media campaign based upon reputable academic and scientific research on youth attitudes and the prevalence of underage drinking in the United States, as well as on the science and research on mass media prevention campaigns.

"(4) SUPPLEMENT; NOT SUPPLANT.—In developing, implementing, and conducting the national media campaign, the Secretary shall supplement (and not supplant) existing efforts by State, local, private, and nonprofit entities to reduce and prevent underage drinking in the United States and shall coordinate with other Federal agencies and departments, including the Centers for Disease Control and Prevention, the National Institute on Alcohol Abuse and Alcoholism, the Substance Abuse and Mental Health Services Administration, the National Institute on Drug Abuse, the Department of Justice, the Department of Transportation, and the Office of National Drug Control Policy.

"(5) TARGETING.—The Secretary shall, to the maximum extent feasible, use amounts available under subsection (e) for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific geographic local areas. The Secretary shall ensure that the national media campaign includes messages that are language-appropriate and culturally competent to reach minority groups.

"(b) USE OF FUNDS.—

"(1) ADVERTISING.—Of the amounts available under subsection (e), the Secretary shall devote sufficient funds to the advertising portion of the national media campaign to meet the stated reach and frequency goals of the campaign.

"(2) AUTHORIZED USES.—

"(A) IN GENERAL.—Amounts available under subsection (e) for the national media campaign may only be used for the development of the campaign and—

"(i) the development of a comprehensive strategy planning document;

"(ii) the purchase of media time and space;

"(iii) talent reuse payments;

"(iv) out-of-pocket advertising production costs;

"(v) testing and evaluation of advertising;

"(vi) evaluation of the effectiveness of the media campaign; and

"(vii) the negotiated fees for the winning bidder on request for proposals issued by the Assistant Secretary for Health.

"(B) CERTAIN USES.—In support of the primary goal of developing, implementing and conducting an effective advertising campaign, funds available under subsection (e) may be used for—

"(i) partnerships with community, civic, and professional groups, and government organizations related to the media campaign; and

"(ii) entertainment industry collaborations to fashion underage-drinking prevention messages in motion pictures, television programming, popular music, interactive (Internet and new) media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

"(3) PROHIBITIONS.—None of the amounts available under subsection (e) may be obligated or expended—

"(A) to supplant efforts of community-based coalitions to reduce and prevent underage drinking;

"(B) to supplant current pro bono public service time donated by national and local broadcasting networks;

"(C) for partisan political purposes;

"(D) to fund media campaigns that feature any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of schedule C of title 5, Code of Federal Regulations, unless the Assistant Secretary for Health provides advance notice to the appropriations committees, the oversight committees, and the appropriate authorizing committees of the House of Representatives and the Senate; or

"(E) to fund or support advertising messages bearing any company or brand logos or other identifying corporate or trade information.

"(4) MATCHING REQUIREMENT.—As a condition of each purchase of media time or space for the national media campaign, the Secretary shall require that the seller of the time or space provide non-Federal contributions to the national media campaign in an amount equal to 50 percent of the purchase price of the time or space, which may be contributions of funds, or in-kind contributions in the form of public service announcements specifically directed to reducing and preventing underage drinking.

"(c) REPORTS TO CONGRESS.—

"(1) COMPREHENSIVE STRATEGY.—Not later than 6 months after the date of enactment of this section, the Secretary shall develop and submit to Congress a comprehensive strategy that identifies the nature and extent of the problem of underage drinking, the scientific basis for the strategy, including a review of the existing scientific research, target audiences, goals and objectives of the campaign, message points that will be effective in changing attitudes and behavior, a campaign outline and implementation plan, an evaluation plan, and the estimated costs of implementation.

"(2) ANNUAL REPORTS.—The Secretary shall annually submit to Congress a report on the

activities for which amounts available under subsection (e) were obligated during the preceding year, including information for each quarter of such year, and on the specific parameters of the national media campaign including whether the campaign is achieving identified performance goals based on an independent evaluation.

“(3) PROGRESS REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to Congress a report on the progress of the national media campaign based on measurable outcomes previously provided to Congress.

“(d) DEFINITION.—For purposes of this section, the term ‘underage drinking’ means any consumption of alcoholic beverages by individuals who have not attained the age at which (in the State involved) it is legal to purchase such beverages.

“(e) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2002 through 2007.

“(2) LIMITATION REGARDING COMPREHENSIVE STRATEGY ACTIVITIES.—Of the amounts appropriated under paragraph (1), the Secretary may not expend more than \$1,000,000 to carry out subsection (c)(1).”

By Mrs. FEINSTEIN:

S. 868. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage and group health plans provide coverage of cancer screening; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to require health insurance plans to cover screening tests for cancer. Congresswomen CAROLYN MALONEY and SUE KELLY are introducing a companion bill in the House today.

The bill requires plans to cover screening tests including mammography and clinical breast examinations for breast cancer, “pap” tests and pelvic examinations for gynecological cancers, colorectal screening for colon and rectum cancers, and prostate screening for prostate cancer.

To address future changes in scientific knowledge and medical practice, the bill allows the Secretary to change the requirements upon the Secretary’s initiative or upon petition by a private individual or group. This provision is included because we do not yet have screening tests for many cancers, including brain tumors, leukemia Hodgkin’s disease, and ovarian, liver and pancreatic cancers. These are often not detected until they produce symptoms, at which point the cancer may have advanced significantly.

The American Cancer Society has described “screening” as “the search for disease in persons who do not have disease or who do not recognize that they have symptoms of disease.” Screening, as defined by the American medical Association, is “health care services or products provided to an individual without apparent signs or symptoms of an illness, injury, or disease for the

purpose of identifying or excluding an undiagnosed illness, disease or condition.” One of the most common screening procedures is the mammogram, which millions of women get annually to determine if there are suspicious lesions or lumps in their breasts.

A major way to reduce the number of cancer-related deaths and to increase survival is to increase cancer screening rates. The American Cancer Society, (ACS), predicts that 563,100 Americans will die of cancer this year. With appropriate screening, one-third of cancer deaths could be prevented, says ACS.

Screening is the greatest single tool for finding cancers early. Cancers found early are cancers that do not grow or metastasize and are cancers that can be treated more successfully than those that are found late. Early detection can extend life, reduce treatment, and improve the quality of life. For example, people can have colon cancer long before they know it. They may not have any symptoms. Patients diagnosed by a colon cancer screening have a 90 percent chance of survival while patients not diagnosed until symptoms are apparent only have a 8 percent chance of survival.

Screening-accessible cancers, such as cancers of the breast, tongue, mouth, colon, rectum, cervix, prostate, testis, and skin, account for approximately half of all new cancer cases. If all Americans had regular cancer screenings, the five-year survival rate for cancers of the breast, tongue, mouth, colon, rectum, cervix, prostate, testis and skin could grow from 81 percent to 95 percent.

Screening costs less than treatment. For example, Medicare pays from \$100 to \$400 for a colorectal cancer screening test. The cost of treating colorectal cancer from diagnosis to death costs over \$51,000, according to the Institute of Medicine.

To put cancer deaths in perspective, the number of Americans that die each year from cancer exceeds the total number of Americans lost to all wars that we have fought in this century. The American Cancer Society says that over 1.3 million new cancer cases will be diagnosed in the U.S. this year.

Despite our increasing understanding of cancer, unless we act with urgency, the cost to the United States is likely to become unmanageable in the next 10–20 years. The incidence rate of cancer in 2010 is estimated to increase by 29 percent for new cases, and cancer deaths are estimated to increase by 25 percent. Cancer will surpass heart disease as the leading fatal disease in the U.S. by 2010. With our aging U.S. population, unless we act now to change current cancer incidence and death rates, according to the September 1998 report from the Cancer March Research Task Force, we can expect over 2.0 million new cancer cases and 1.0 million deaths per year by 2025. Listen to these startling statistics: One out of every four deaths in the U.S. is caused by cancer. That more than 1,500 Ameri-

cans will die each day from cancer. The National Cancer Institute estimates that approximately 8.2 million Americans alive today have a history of cancer. One out of every two men, one out of every three women will be diagnosed with cancer at some point in their lifetime.

One of the tragedies of cancer is that we have tools available which can prevent much unnecessary suffering and death. But cancer must be prevented and it must be found early.

Deaths from colorectal cancer could be cut in half if most people over 50 had refuting screenings, for a disease that claims 56,700 a year.

Experts cite several barriers that prevent many Americans from getting cancer screenings. These include a lack of insurance coverage, inadequate insurance coverage, inability to pay for screenings, a fear of discomfort, and the fact that most of American health care is complaint drive, not preventive.

Insurance coverage is a major factor in whether people have preventive screenings. In other words, when screenings are covered by plans, people are more likely to get them. In California, screening rates for cervical and breast cancer are lower for uninsured women, who are less likely to have had a recent screening and more likely to have gone longer without being screened than women with coverage. In Medicare, for example, a study reported in Public Health Reports in October 1997, found that Medicare coverage increased the use of mammograms.

According to an University of California-Los Angeles Center for Health Policy Research study from February 1998, in California women ages 18–64, 63 percent of uninsured women had not had a Pap test during 1997 versus 40 percent of insured women. Additionally, approximately 67 percent of uninsured Californian women ages 30–64 had not had a clinical breast examination during 1997, compared to 40 percent for insured women in the same age group.

The bill we are introducing, by requiring plans to cover screenings, can reduce death, reduce suffering and reduce costs.

I urge my colleagues to support this bill.

A summary of the bill follows:

SUMMARY OF THE COMPREHENSIVE CANCER SCREENING ACT OF 2001

Requires private health insurance plans to cover cancer screenings consistent with professionally-developed and recognized medical guidelines, specifically: mammograms and clinical breast examinations (for breast cancer); “pap” tests and pelvic examinations (for gynecological cancers); colorectal screening (for colon and rectum cancers); prostate cancer screening (for prostate cancers).

Authorizes the U.S. Secretary of Health and Human Services by regulation to modify or update the coverage requirements to reflect advances in medical practice or new scientific knowledge, for all cancers as screenings are developed, based on the Secretary’s own initiative or upon the petition of an individual or organization.

Prohibits health insurance plans from: denying eligibility for the purpose of avoiding the requirements of the bill; providing monetary payments to encourage individuals to accept less than the minimum protections available; penalizing or reducing reimbursement because a provider provides care consistent with these requirements; providing incentives to a provider to encourage the provider to provide care inconsistent with the requirements.

Requires plans to provide subscribers full information on the extent of coverage, including covered benefits, cost-sharing requirements, and the extent of choice of providers.

By Mr. SMITH of New Hampshire
(for himself and Mr. INHOFE):

S. 870. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for public-private partnerships in financing of highway, mass transit, high speed rail, and intermodal transfer facilities projects, and for other purposes; to the Committee on Finance.

Mr. SMITH of New Hampshire. Mr. President, today I rise to introduce the Multi Modal Transportation Financing Act. The United States faces a significant shortfall in funding for our highway and bridge infrastructure needs. It is incumbent upon us to look at new and innovative ways to make the most of limited resources to address these significant needs. This bill will lift the existing restrictions on tax-exempt bond financing for public agencies seeking greater private sector participation in a variety of transportation projects. This financing tool will serve to manage congestion, build more transportation options, and encourage technological innovation.

This bill will adjust the tax code in order to remove a barrier to needed transportation infrastructure investment. Under current Federal tax law, highways built by government can be financed through the use of tax exempt bonds—but those built by the private sector are not eligible to use this valuable financing tool, even though this tool is currently available to the private sector for the construction of seaports, airports and other public infrastructure facilities. Tax-exempt bonds can reduce interest rates as much as two percentage points below rates on comparable taxable bond issues and can reduce financing costs by 20–25 percent. While this has been a huge benefit for other infrastructure needs, once the private sector seeks to participate in the development or operation of a government-owned highway or intercity rail project, tax-exempt financing is no longer available. Yet these transportation projects costing from \$100 million to over \$1 billion are rendered financially infeasible when subjected to taxable bond financing, forcing the private sector out of transportation project development.

As a result, public/private partnerships in the provision of highway facilities are unlikely to materialize, despite the potential efficiencies in design, construction, and operation of-

fered by such arrangements. By depending solely on public sector tax-exempt financing, some projects will not be built at all, while projects that still get built are done so much later, at higher cost, greater inefficiency and public sector risk.

Private sector participation in these transportation projects will provide access to new expertise, greater operating efficiencies, new sources of investment capital, and private sector risk sharing. This practice of private sector involvement has already been successfully implemented in a number of other countries. U.S. companies are currently investing billions of dollars in foreign infrastructure projects that are not subject to the United States tax code discrimination against similar private investment. Increasing the private sector's role in these countries has offered opportunities for construction cost savings and more efficient operation.

The effort to enhance private sector participation began a few years ago by my predecessor as chairman of the Environment and Public Works Committee, Senator John Chafee. While his legislation did pass the Senate, it never made it to the President's desk. It is time for this long over due private sector encouragement to become law.

I hope that this bill can be one in a series of new approaches to meeting our substantial transportation infrastructure needs and will be one of the approaches that will help us find more efficient methods to design, build, and operate the nation's transportation infrastructure. We should begin by knocking down barriers that discourage the private sector from unleashing its full resources to help build this nation's transportation network. I urge my colleague to join me in supporting this vital legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Multimodal Transportation Financing Act".

SEC. 2. TAX-EXEMPT FINANCING OF QUALIFIED HIGHWAY INFRASTRUCTURE.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting "; or", and by adding at the end the following:

"(13) qualified highway infrastructure projects."

(b) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS.—Section 142 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(k) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS.—

"(1) IN GENERAL.—For purposes of subsection (a)(13), the term 'qualified highway infrastructure project' means a project—

"(A) for the construction, reconstruction, or maintenance of a highway, including related startup costs, and

"(B) meeting the requirements of paragraph (2).

"(2) PROJECT REQUIREMENTS.—A project meets the requirements of this paragraph if the project—

"(A) serves the general public,

"(B) is located on publicly-owned rights-of-way, and

"(C) is publicly owned or the ownership of the highway constructed, reconstructed, or maintained under the project reverts to the public."

(c) EXEMPTION FROM GENERAL STATE VOLUME CAPS.—Paragraph (3) of section 146(g) of the Internal Revenue Code of 1986 (relating to exception for certain bonds) is amended—

(1) by striking "or (12)" and inserting "(12), or (13)", and

(2) by striking "and environmental enhancements of hydroelectric generating facilities" and inserting "environmental enhancements of hydroelectric generating facilities, and qualified highway infrastructure projects".

(d) EXEMPTION FROM LIMITATION ON USE FOR LAND ACQUISITION.—Section 147(c)(3) of the Internal Revenue Code of 1986 (relating to exception for certain land acquired for environmental purposes, etc.) is amended by striking "or wharf" both places it appears and inserting "wharf, or qualified highway infrastructure project".

(e) TREATMENT OF CERTAIN REFUNDING BONDS.—

(1) IN GENERAL.—Paragraph (2) of section 149(d) of the Internal Revenue Code of 1986 (relating to certain private activity bonds) is amended by inserting "or any exempt facility bond issued as part of an issue described in paragraph (13) of section 142(a) (relating to qualified highway infrastructure projects)" after "other than a qualified 501(c)(3) bond".

(2) SPECIAL RULES.—Paragraph (6) of section 149(d) of such Code is amended to read as follows:

"(6) SPECIAL RULES FOR PURPOSES OF PARAGRAPH (3).—For purposes of paragraph (3)—

"(A) bonds issued before October 22, 1986, shall be taken into account under subparagraph (A)(i) thereof except—

"(i) a refunding which occurred before 1986 shall be treated as an advance refunding only if the refunding bond was issued more than 180 days before the redemption of the refunded bond, and

"(ii) a bond issued before 1986, shall be treated as advance refunded no more than once before March 15, 1986, and

"(B) a bond issued as part of an issue that is either the 1st or 2nd advance refunding of the original bond shall be treated as only the 1st advance refunding of the original bond if—

"(i) at least 95 percent or more of the net proceeds of the original bond issue are to be used to finance a highway infrastructure project (regardless of whether the original bond was issued as a private activity bond),

"(ii) the original bonds and applicable refunding bonds are or are reasonably expected to be primarily secured by project-based revenues, and

"(iii) in any case in which—

"(I) the original bonds or applicable refunding bonds are private activity bonds issued as part of an issue at least 95 percent or more of the net proceeds of which are to be used to finance a qualified highway infrastructure project described in section 142(a)(13), the refunding bonds of the issue and original bonds of the issue satisfy the requirements of section 147(b), or

"(II) the original bonds and applicable refunding bonds are not private activity bonds, the second generation advance refunding

bonds of the issue (and any future bonds of the issue refunding such bonds) satisfy the requirements of section 147(b)."

(3) **SPECIAL RULE RELATING TO MATURITY LIMITATION.**—Section 147(b) of such Code (relating to maturity limitations) is amended by adding at the end the following:

"(6) **SPECIAL RULE FOR CERTAIN HIGHWAY INFRASTRUCTURE PROJECTS.**—

"(A) **IN GENERAL.**—In the case of bonds of an issue described in section 149(d)(6)(B), the limit described in paragraph (1)(B) shall be reduced—

"(i) in any case in which the original bonds or applicable refunding bonds are private activity bonds, by the remaining weighted average maturity of the escrowed bonds with respect to both the first and second generation advance refunding, and

"(ii) in any case in which the original bonds and applicable refunding bonds are not private activity bonds, by the remaining weighted average maturity of the escrowed bonds with respect to the second generation advance refunding.

"(B) **REMAINING WEIGHTED AVERAGE MATURITY OF ESCROWED BONDS.**—For purposes of subparagraph (A), the remaining weighted average maturity of the escrowed bonds is equal to the weighted average maturity, calculated as of the applicable refunding bond issue date—

"(i) with respect to subparagraph (A)(i), of the applicable bonds advance refunded, and

"(ii) with respect to subparagraph (A)(ii), of the applicable bonds directly refunded by the second generation advance refunding bonds, and

treating any date of actual early redemption as a maturity date for this purpose.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to bonds issued after the date of enactment of this Act.

SEC. 3. MASS COMMUTING FACILITIES.

(a) **EXEMPTION FROM STATE VOLUME CAP.**—Section 146(g)(3) of the Internal Revenue Code of 1986 (relating to exception for certain bonds), as amended by section 2, is amended—

(1) by inserting "(3)," after "(2).", and

(2) by inserting "mass commuting facilities," after "wharves,".

(b) **INCLUSION OF ROLLING STOCK.**—Section 142(c) of the Internal Revenue Code of 1986 (relating to airports, docks and wharves, mass commuting facilities and high-speed intercity rail facilities) is amended by adding at the end the following new paragraph:

"(3) **MASS COMMUTING FACILITIES.**—The term 'mass commuting facilities' includes rolling stock related to such facilities."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to bonds issued after the date of enactment of this Act.

SEC. 4. MODIFICATION OF DEFINITION OF HIGH-SPEED INTERCITY RAIL FACILITIES.

(a) **IN GENERAL.**—Section 142(i)(1) of the Internal Revenue Code of 1986 (defining high-speed intercity rail facilities) is amended by striking "and their baggage" and all that follows and inserting "on high speed rail corridors designated under section 104(d)(2) of title 23, United States Code, or on corridors using magnetic levitation technology."

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to bonds issued after the date of enactment of this Act.

SEC. 5. TAX-EXEMPT FINANCING OF INTERMODAL TRANSFER FACILITIES.

(a) **TREATMENT AS EXEMPT FACILITY BOND.**—Subsection (a) of section 142 of the Internal Revenue Code of 1986 (relating to exempt facility bond), as amended by section 2(a), is amended by striking "or" at the end

of paragraph (12), by striking the period at the end of paragraph (13) and inserting "or", and by adding at the end the following:

"(14) intermodal transfer facilities."

(b) **INTERMODAL TRANSFER FACILITIES.**—Section 142 of the Internal Revenue Code of 1986, as amended by section 2(b), is amended by adding at the end the following:

"(1) **INTERMODAL TRANSFER FACILITIES.**—For purposes of subsection (a)(14), the term 'intermodal transfer facilities' means any facility for the transfer of people or goods between the same or different transportation modes."

(c) **EXEMPTION FROM GENERAL STATE VOLUME CAPS.**—Paragraph (3) of section 146(g) of the Internal Revenue Code of 1986 (relating to exception for certain bonds), as amended by section 2(c), is amended—

(1) by striking "or (13)" and inserting "(13), or (14)", and

(2) by striking "and qualified highway infrastructure projects" and inserting "qualified highway infrastructure projects, and intermodal transfer facilities".

(d) **EXEMPTION FROM LIMITATION ON USE FOR LAND ACQUISITION.**—Section 147(d)(3) of the Internal Revenue Code of 1986 (relating to exception for certain land acquired for environmental purposes, etc.), as amended by section 2(d), is amended by striking "or qualified highway infrastructure project" both places it appears and inserting "qualified highway infrastructure project, or intermodal transfer facility".

(e) **CONFORMING AMENDMENTS.**—Subsection (c) of section 142 of the Internal Revenue Code of 1986 is amended—

(1) by striking "or (11)" both places it appears in paragraphs (1) and (2) and inserting "(11), or (14)", and

(2) by striking "AND HIGH-SPEED INTERCITY RAIL FACILITIES" in the heading thereof and inserting "HIGH-SPEED INTERCITY RAIL FACILITIES, AND INTERMODAL TRANSFER FACILITIES".

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to bonds issued after the date of enactment of this Act.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 87—EXPRESSING THE SENSE OF THE SENATE THAT THERE SHOULD BE ESTABLISHED A JOINT COMMITTEE OF THE SENATE AND HOUSE OF REPRESENTATIVES TO INVESTIGATE THE RAPIDLY INCREASING ENERGY PRICES ACROSS THE COUNTRY AND TO DETERMINE WHAT IS CAUSING THE INCREASES

Mr. DORGAN (for himself, Mr. DASCHLE, Mr. REID, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. MURRAY, Mr. SCHUMER, Mr. HARKIN, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 87

Whereas the price of energy has skyrocketed in recent months;

Whereas the California consumers have seen a 10-fold increase in electricity prices in less than 2 years;

Whereas natural gas prices have doubled in some areas, as compared with a year ago;

Whereas gasoline prices are close to \$2.00 per gallon now and are expected to increase to as much as \$3.00 per gallon this summer;

Whereas energy companies have seen their profits doubled, tripled, and in some cases even quintupled; and

Whereas high energy prices are having a detrimental effect on families across the country and threaten economic growth: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE CONCERNING THE NEED TO ESTABLISH A JOINT COMMITTEE OF THE SENATE AND HOUSE OF REPRESENTATIVES TO INVESTIGATE THE RAPIDLY INCREASING ENERGY PRICES ACROSS THE COUNTRY AND TO DETERMINE WHAT IS CAUSING THE INCREASES.

It is the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to—

(1) study the dramatic increases in energy prices (including increases in the prices of gasoline, natural gas, electricity, and home heating oil);

(2) investigate the cause of the increases;

(3) make findings of fact; and

(4) make such recommendations, including recommendations for legislation and any administrative or other actions, as the joint committee determines to be appropriate.

Mr. LIEBERMAN. Mr. President, I rise today to introduce a concurrent resolution calling attention to global e-commerce, a trade issue of great economic interest to this country. My esteemed colleague Senator MCCAIN and I have drafted this legislation to express the sense of Congress on the importance of promoting global electronic commerce. In the House of Representatives, Congresswoman TAUSCHER and Congressman DREIER will introduce the very same legislation. I am honored to be joined on this resolution by these three knowledgeable and distinguished leaders on technology issues.

Our economic landscape is undergoing a fundamental transformation. We are transitioning into a "new economy", a rapidly evolving, global marketplace that is governed by new rules and driven largely by new forces. Those new forces include information technology and the Internet. We all recognize that we are witnessing an electronic revolution. There is no shortage of statistics to prove what we are seeing all around us. According to a recent U.S. Department of Commerce report, approximately one third of the U.S. economic growth in the past few years has come from information technologies. Worldwide, there are more than 200 countries connected to the Internet today. That is up from 165 in 1996 and just eight in 1988. Today, more than 300 million people worldwide, more than half in North America, use the Internet. With Internet traffic continuing to double every 100 days, by 2005 more than one billion people will be connected. Importantly, more than three-quarters of them will be outside North America.

This digital age brought about by the Internet and information technology is opening new markets and growth opportunities for all types of U.S. companies in every corner of this vast country. "Digital Trade", including cross-border e-commerce transactions for

goods and services, global business relationships enabled by electronic networks, and the goods and services that enable those transactions and relationships, can help new companies to emerge and existing companies to flourish. For example, according to a study done for Cisco by the Gartner Group, Europe's Internet economy is set to grow twenty-fold, from \$53 billion in 1999 to \$1.2 trillion in 2004. That growth presents real opportunities for millions of American companies and consumers.

We are seeing industry adjust to these new realities and seize these new opportunities. Last year, 60 percent of B-to-B companies were building globalized websites designed to reach audiences in many countries and across different cultures. By 2004, the level of globalization is expected to reach 80 percent. Those companies that choose not to globalize their websites project foreign revenue earnings this year of 12 percent. Those companies that do globalize expect foreign revenue earnings of 35 percent.

To make this picture of the digital age more real, let me move closer to home and talk about one of my favorite New Economy companies, Coastal Tool. Coastal Tool is a small family-owned business with 12 employees. They are in a very traditional industry, hardware retail, in a very traditional location, the heart of New England, West Hartford, CT. However, Coastal Tool is anything but traditional in its approach to business. Early on in the Internet revolution, Coastal Tool adopted information technology to improve its sales and marketing efforts. They understood back in the early 1990s what Alan Greenspan speaks of today when he testifies here on the Hill that there is a strong and undeniable link between the adoption of information technology, rising productivity, and increasing economic prosperity. Today, this small company does 20-30 percent of its business online, selling hand and power tools like biscuit joiners and disc grinders. It generates 15-20 percent of its revenue from online sales to overseas customers and is now exporting to more than 50 countries. By competing online and overseas, Coastal Tool, on the web at www.Coastaltool.com, is a true new economy success story and but one example of how an exponential growth in information technology adoption and e-commerce are reshaping the global economy.

But the global economy and digital trade also present us with challenges. While there are few if any technology barriers to global e-commerce, there are actual and potential policy and political barriers. For example, according to a recent survey of chief information officers across the country by CIO Magazine, approximately one third of the respondents feel that current barriers limit their company's ability to conduct e-commerce across international borders. Clearly this is a reality and a

challenge with which we here in Washington must be concerned. That is why we have worked closely with industry, including the Information Technology Association of America, the Business Software Alliance, The Information Technology Industry Council, and the Semiconductor Industry Association, to draft this very important resolution.

This resolution describes the incredible opportunity that global e-commerce presents for the U.S. It calls on the Administration to make digital trade, the promotion of cross-border e-commerce, a high priority on its trade agenda and to work in good faith with our trading partners to encourage its continued growth. More specifically, it states that the U.S. should encourage members of the World Trade Organization to promote the development of infrastructures necessary for e-commerce and refrain from adopting measures that would constitute actual or potential trade barriers to electronic commerce. The resolution does not take policy positions on specific issues of international trade. It does take a first step in making sure that global e-commerce is an issue and an opportunity with which members of this body are familiar.

I respectfully urge all of my colleagues here in the Senate to show their support for U.S. consumer and commercial interests by joining Senator McCain and me in sponsoring and working to pass this very important concurrent resolution.

SENATE CONCURRENT RESOLUTION 37—EXPRESSING THE SENSE OF CONGRESS ON THE IMPORTANCE OF PROMOTING ELECTRONIC COMMERCE, AND FOR OTHER PURPOSES

Mr. LIEBERMAN (for himself, and Mr. McCain) submitted the following concurrent resolution; which was referred to the Committee on Finance.

S. CON. RES. 37

Whereas information technologies have spurred additional growth and efficiency for the United States economy, given consumers greater power and choice, and created new opportunities for entrepreneurs;

Whereas an estimated 60 percent of American businesses are involved in electronic commerce;

Whereas in 2000, business-to-consumer electronic transactions were estimated at \$61,000,000,000 and business-to-business electronic transactions at nearly \$200,000,000,000;

Whereas economists have shown that the higher a nation's Internet usage, the faster cross-border trade increases, especially among developing nations;

Whereas cross-border electronic commerce represents a revolutionary form of international trade, one that will provide new opportunities for growth, efficiency, and rising living standards in the United States and overseas;

Whereas in this era of policy development for global electronic commerce, certain policy measures could push Internet users into localized regions of the World Wide Web, significantly reducing long-term opportunities for growth and development;

Whereas the current World Trade Organization (WTO) trade rules, including (the Gen-

eral Agreement on Tariffs and Trade, the General Agreement on Trade in Services, and the Agreement on Trade-Related Aspects of Intellectual Property) apply to e-commerce;

Whereas the growth of international trade via global electronic commerce could be stunted by domestic policies or measures that have the effect of reducing or eliminating competition; and

Whereas carefully coordinated agreements that ensure open markets, broad access, competition, and limited burdens on e-commerce can facilitate growth and development in the United States and overseas: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Secretary of Commerce and the United States Trade Representative should make the promotion of cross-border trade via electronic commerce a high priority;

(2) the United States should work in good faith with our trading partners to develop a cross-border trade regime that promotes the continued growth of electronic commerce and advances the interests of Internet buyers and sellers in different countries; and

(3) the United States should encourage members of the World Trade Organization to—

(A) promote the development of infrastructures that are necessary to conduct e-commerce;

(B) promote the development of trade in goods and services via e-commerce;

(C) ensure that products delivered electronically receive the most beneficial treatment available under trade agreements relating to similar products that are delivered physically, including market access and non-discriminatory treatment; and

(D) refrain from adopting measures that would constitute actual or potential trade barriers to electronic commerce, and ensure that all other measures are predictable and transparent.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 10, 2001, at 10 a.m., in open session to consider the nominations of Dr. David S.C. Chu to be Under Secretary of Defense for Personnel and Readiness; Mr. Thomas E. White to be Secretary of the Army; Mr. Gordon England to be Secretary of the Navy; Mr. James G. Roche to be Secretary of the Air Force; and Mr. Alfred Rascon to be Director of Selective Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 10, 2001, to conduct a hearing on the nomination of Mr. John E. Robson, of California, to be president of the Export-Import Bank; Mr. Peter R. Fisher, of New Jersey, to be Under Secretary of the Treasury for Domestic Finance; and Mr. James J.

Jochum, of Virginia, to be Assistant Secretary of Commerce for Export Administration. The Committee will also vote on the nomination of Mr. Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade; Mr. Kenneth I. Juster, of the District of Columbia, to be Under Secretary of Commerce for Export Administration; Ms. Maria Cino, of Virginia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service; and Mr. Robert Glenn Hubbard, of New York, to be a member of the Council of Economic Advisors.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 10 at 9:30 a.m. to conduct an oversight hearing. The committee will receive testimony on the President's proposed budget for FY2002 for the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on The Nation's Investment in Biomedical Research: Opportunities and Outcomes during the session of the Senate on Thursday, May 10, 2001, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, May 10, 2001 at 2:45 p.m. in room 495 of the Russell Senate Office Building to conduct an Oversight Hearing to receive the goals and priorities of the Alaska Native community for the 107th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 10, 2001 at 10:00 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 10, 2001 at 11:30 a.m. to hold a closed briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Sub-

committee on Aviation of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 10, 2001, at 10:00 a.m. on Air Traffic Control.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 10, immediately following the Subcommittee on National Parks Historic Preservation and Recreation hearing, to conduct an oversight hearing. The subcommittee will receive testimony on H.R. 880, a bill to provide for all right, title, and interest in certain property in Washington County, UT, to be vested in the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 10, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the President's proposed budget for FY2002 for the National Park Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet on Thursday, May 10, 2001 at 10:15 a.m. to receive testimony regarding FY02 Budget requests for the Department of Transportation and the General Services Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Christie Onoda and John Carwell of Senator DODD's staff be granted the privilege of the floor during the remainder of the debate on S. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION OF AMENDMENT NO. 402

Mr. BENNETT. Mr. President, I ask unanimous consent that the instruction line of amendment No. 402 be modified to conform to the pending Jeffords substitute amendment. Amendment No. 402 was previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL BIOTECHNOLOGY WEEK

Mr. BENNETT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 75 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 75) designating the week beginning May 13, 2001, as "National Biotechnology Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 75) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 75

Whereas biotechnology is increasingly important to the research and development of medical, agricultural, industrial, and environmental products;

Whereas public awareness, education, and understanding of biotechnology is essential for the responsible application and regulation of this new technology;

Whereas biotechnology has been responsible for breakthroughs and achievements that have benefited people for centuries and contributed to increasing the quality of human health care through the development of vaccines, antibiotics, and other drugs;

Whereas biotechnology is central to research for cures to diseases such as cancer, diabetes, epilepsy, multiple sclerosis, heart and lung disease, Alzheimer's disease, Acquired Immune Deficiency Syndrome (AIDS), and innumerable other medical ailments;

Whereas biotechnology contributes to crop yields and farm productivity, and enhances the quality, value, and suitability of crops for food and other uses that are critical to the agriculture of the United States;

Whereas biotechnology promises environmental benefits including protection of water quality, conservation of topsoil, improvement of waste management techniques, reduction of chemical pesticide usage, production of renewable energy and biobase products, and cleaner manufacturing processes;

Whereas biotechnology contributes to the success of the United States as the global leader in research and development, and international commerce;

Whereas biotechnology will be an important catalyst for creating more high-skilled jobs throughout the 21st century and will lead the way in reinvigorating rural economies; and

Whereas it is important for all Americans to understand the beneficial role biotechnology plays in improving quality of life and protecting the environment: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning May 13, 2001, as "National Biotechnology Week"; and

(2) requests that the President issue a proclamation calling upon the people of the

United States to observe the week with appropriate programs, ceremonies, and activities.

DISCHARGE AND REFERRAL—S. 821

Mr. BENNETT. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 821 and that the bill be referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader, pursuant to Public Law 106-554, appoints the Senator from Nebraska (Mr. HAGEL) to the Board of Directors of the Vietnam Education Foundation.

The Chair, on behalf of the democratic leader, pursuant to Public Law 100-696, announces the appointment of the Senator from Illinois (Mr. DURBIN) as a member of the United States Capitol Preservation Commission, vice the Senator from California (Mrs. FEINSTEIN).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNETT. Mr. President, in executive session, I ask unanimous consent that the Senate proceed to consideration of the following nominations, reported by the Judiciary Committee: Daniel Bryant, PN 214; Larry Thompson, PN 200; reported by the Banking Committee: Grant Aldonas, PN 216, Robert Hubbard, PN 264, Kenneth Juster, PN 192.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

DEPARTMENT OF JUSTICE

Larry D. Thompson, of Georgia, to be Deputy Attorney General.

Daniel J. Bryant, of Virginia, to be an Assistant Attorney General.

DEPARTMENT OF COMMERCE

Kenneth I. Juster, of the District of Columbia, to be Under Secretary of Commerce for Export Administration.

Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade.

EXECUTIVE OFFICE OF THE PRESIDENT

Robert Glenn Hubbard, of New York, to be a Member of the Council of Economic Advisers.

NOMINATION OF DANIEL BRYANT

Mr. LEAHY. Mr. President, Dan Bryant is well-known to many of us, espe-

cially those of us serving on the Judiciary Committee. We knew him first as an able member of the House Judiciary Committee staff and through his work as the Chief Counsel of the House Judiciary Committee's Subcommittee on Crime, working under Chairman HYDE and Congressman MCCOLLUM. At his confirmation hearing, Mr. HYDE, Mr. CONYERS, Senator BIDEN and both Senators from Virginia all came to testify on his behalf.

Mr. Bryant is respectful of the Senate and, I feel, all Senators. We are already working with Mr. Bryant as he is serving as a consultant to the Department while his nomination is pending. His history and current work give me every reason to support his nomination. I look forward to working with him in the days and months ahead. His is a most demanding job. I congratulate Dan and his family on his confirmation by the U.S. Senate.

NOMINATION OF LARRY THOMPSON

Mr. LEAHY. Mr. President, I am delighted that the Senate Judiciary Committee unanimously reported the nomination of Larry Thompson to be Deputy Attorney General to the Senate. The Deputy Attorney General is number two in command at the Department of Justice and plays a key role as a top advisor to the Attorney General. Former Deputies include William Rogers and Byron White, Nicholas Katzenbach and Warren Christopher, Harold Tyler, Jamie Gorelick and Eric Holder.

The Deputy has traditionally assumed responsibility for the day-to-day operations of the Department. The Deputy often has direct oversight of a number of divisions and units within the Department, including the FBI and those with criminal jurisdiction. The Deputy position may assume even greater significance in this Administration, since we have not seen any indication that there will be an Associate Attorney General with whom the Deputy might share those leadership responsibilities.

I know that Mr. Thompson is a strong conservative. I have confidence that we can work together. I believe him when he indicates that he is prepared to have a candid and responsive relationship with the Judiciary Committee, including the Democratic Senators.

I know that Mr. Thompson served previously as a United States Attorney and that he appreciates, as those of us who served as local prosecutors understand, where the front lines of law enforcement are, how they must be supported and that partisan politics have no business in law enforcement.

It was not only his testimony but the testimony of Mr. Thompson's home State Senators that I found compelling. Both Senator CLELAND and Senator MILLER came to the Committee and gave strong support. Those statements matter. His home state Senators would be expected to know him best and it was clear to me that they know him well.

Senator CLELAND's endorsement was without reservation. Senator MILLER described him as a consummate professional, quiet yet strong, someone who exercises enormous common sense, a person of great substance and little ego, and one who will put principle ahead of politics every time. We were assured that Larry Thompson comes with no agenda, and will base every decision on what is right, not what is popular or politically expedient.

With those kinds of endorsements and assurances, and with the frank exchanges that we had during the course of the hearing process, I feel confident in supporting the nomination of Larry Thompson. I look forward to working with Mr. Thompson in the days ahead and I congratulate Mr. Thompson and his entire family on his confirmation by the U.S. Senate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY, MAY 14, 2001

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, May 14. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with Senators speaking for up to 10 minutes each with the following exceptions: Senator DURBIN or his designee, 12 noon to 1, and Senator THOMAS or his designee, 1 to 2.

Further, I ask unanimous consent that at 2 p.m. the Senate resume consideration of S. 1, the education bill, and Senator REID be recognized in order to call up amendment No. 460.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. For the information of all Senators, when the Senate convenes at 12 noon on Monday, there will be 2 hours of morning business. Following morning business, the Senate will resume consideration of the education bill and the Reid amendment No. 460. Under the order, if it is agreed to, there will be up to 1 hour of debate on the amendment which will then be laid aside.

Also on Monday, Senator CLELAND will be recognized at 4 p.m. to resume debate of his modified amendment No. 376. A vote in relation to the Reid amendment will begin at 5:30 p.m. and following that vote and some closing remarks, a vote is expected in relation

to the Cleland amendment. Senators should therefore be on notice that at least the two votes will occur on Monday evening at 5:30 p.m.

ADJOURNMENT UNTIL MONDAY,
MAY 14, 2001

Mr. BENNETT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:47 p.m., adjourned until Monday, May 14, 2001, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 10, 2001:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CARI M. DOMINGUEZ, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2001, VICE JOYCE ELAINE TUCKER, TERM EXPIRED.

CARI M. DOMINGUEZ, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2006. (REAPPOINTMENT)

FEDERAL COMMUNICATIONS COMMISSION

MICHAEL K. POWELL, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2002. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate May 10, 2001:

DEPARTMENT OF COMMERCE

KENNETH I. JUSTER, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION.

GRANT D. ALDONAS, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT GLENN HUBBARD, OF NEW YORK, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

DEPARTMENT OF JUSTICE

LARRY D. THOMPSON, OF GEORGIA, TO BE DEPUTY ATTORNEY GENERAL.

DANIEL J. BRYANT, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.